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2321. Acts of the Governor-general of India in Council during 1854.
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WEST BENGAL SECRETARIAT
LIBRARY

ACT No. I. OF 1854.

Passed by the Governor General of India in Council on the 3rd February 1854.

AN ACT *to amend the Law for facilitating the acquisition of land needed for public purposes within the local limits of the Jurisdiction of the Supreme Court of Judicature at Madras.*

I. THE provisions of Act XX. of 1852, as herein modified, shall be applicable to all lands situate within the local limits of the jurisdiction of the Supreme Court of Judicature at Madras.

II. The powers given to the Civil Court of the Zillah in Section XIV. of Act No. XX. of 1852 shall, for the purposes of this Act, be exercised by the Supreme Court of Judicature at Madras, either upon motion or petition; and the said Court, upon the investigation of any matter under the provisions of this Section may compel the attendance of witnesses, and take their evidence, in the same manner as upon a trial of an action at law, and the said Court upon such motion or petition may award such costs as they may think just.

III. In all cases in which payment of any part of the purchase or compensation money exceeding in amount the sum of five hundred Rupees is held in deposit, according to Section XV. Act XX. of 1852, on account of any lands taken for any public purpose under this Act, the Government Securities mentioned in the said Section shall be deposited with the Government Agents at Fort St. George, in the name and with the privity of the Accountant General of Her Majesty's Supreme Court of Judicature at Fort St. George, to be placed by him to the credit of the persons interested in such lands, describing them as nearly as may be done according to the course of proceeding in the said Court in matters and causes depending before it in Equity.

IV. The said Securities shall remain in the hands of the Government Agents, and the interest accruing on the Securities shall be from time to time

time received and paid under the order of the said Supreme Court to the person or persons for the time being who would have been entitled to receive the rents and profits of the said lands if the same had not been taken as aforesaid, until there shall be some person or persons absolutely entitled to receive the principal sum of the moneys so reserved, and thereupon the said Government Securities, with all interest then due thereon, shall be transferred and paid to such person or persons under the like order of the said Court; and so long as no person can be found entitled to receive the interest of the said Government Securities, the Government Agent shall continue to receive, and from time to time to invest, the accumulation of interest due thereon in the purchase of other Government Securities, to be held and applied by him on the same trusts as the Securities first purchased.

V. The right to receive payment of all sums not exceeding five hundred Rupees which shall be held in deposit under the said Section XV. Act No. XX of 1852 may be determined by the Madras Court of Small Causes, and the said Court may make an order for the payment thereof, which order shall be a sufficient indemnity to the Government and all persons acting in obedience thereto.

THOMAS JONES, "CALCUTTA GAZETTE" OFFICE.

BENGAL SECRETARIAT LIBRARY

ACT No. II. OF 1854.

Passed by the Governor General of India in Council on the 3rd February 1854.

AN ACT *to abolish the Office of Assessor to the Court of Petty Sessions at Bombay.*

WHEREAS it is unnecessary to continue the Office of Assessor to the Court of Petty Sessions at Bombay; It is enacted as follows:—

I. So much of Article 2, Title 2 of the Rule, Ordinance and Regulation I. of 1834, passed by the Governor in Council of Bombay, as enacts that the Court of Petty Sessions at Bombay therein-mentioned shall constantly be attended by a Barrister-at-law, as and by way of Assessor to the said Court, such Assessor to be a Justice of the Peace and an Advocate of the Supreme Court of Judicature at Bombay, and to be appointed and removeable by the Governor in Council, is hereby repealed.

II. It shall not be necessary for the said Court of Petty Sessions to be attended by any person as or by way of Assessor to the said Court.

THOMAS JONES, "CALCUTTA GAZETTE" OFFICE.

ACT No. III. OF 1854.

Passed by the Governor General of India in Council on the 3rd February 1854.

AN ACT *to amend the 38th Article of War for the Native Army.*

WHEREAS it is expedient that any Native Soldier who shall make away with or pawn any medal granted to him for service in the Field, or for general good behaviour, should be punished for such unsoldier-like conduct; It is enacted :—

That there shall be added to the 38th Article of War for the Government of the Native Officers and Soldiers in the Military Service of the East India Company the words following,—that is to say :—" or who shall make away with or pawn any medal, or decoration, granted to him by order of Her Majesty or of the East India Company, or by order of Government, for service in the Field or for general good conduct."

THOMAS JONES, "CALCUTTA GAZETTE" OFFICE.

ACT No. IV of 1854.

Passed by the Governor General of India in Council on the 3rd February 1854.

An Act *relating to the execution of Sentences in petty cases by Superintendents of Bazaars in the Presidency of Bombay.*

Whereas the Rule which prohibits a Superintendent of Bazaars in the Presidency of Bombay from executing any sentence in the Criminal or Excise branches of his duties until he has submitted his proceedings to the Commanding Officer, and which requires that trials before a Superintendent of Bazaars shall be recorded as usual on Courts Martial, has been found to be productive of unnecessary inconvenience and delay in petty cases, and it is expedient to abolish the Rule in such cases; It is hereby enacted as follows:—

Superintendent of Bazaars may, in certain cases, execute sentences without submitting his proceedings to the Commanding Officer.

So much of Section XXX Regulation XXII. 1827 of the Bombay Code, as enacts that the Superintendent of Bazaars shall not execute any sentence in the Criminal or Excise branch of his duties until he has submitted his proceedings to the Commanding Officer, and that his trials shall be recorded in writing as usual on Courts Martial, is hereby repealed so far as it shall relate to any sentence which shall hereafter be passed by any Superintendent of Bazaars by which any fine not exceeding three Rupees, or any imprisonment not exceeding three days, shall be ordered.

ACT No. V. OF 1854.

Passed by the Governor General of India in Council on the 10th February 1854.

AN ACT *to amend Act No. V. of* 1838, *relating to the Bengal Bonded Warehouse Association.*

WHEREAS the Bengal Bonded Warehouse Association are desirous that the provisions of Act No. V. of 1838 should be amended, and it appears reasonable that such amendment should be made; It is enacted as follows:—

I. Sections XII., XIV., XXXII. and XXXVII. of the said Act are hereby repealed.

II. The business of the said Association shall be managed by six Directors, three of whom shall form a quorum.

III. The two Directors who are to go out of office by rotation in every year shall go out of office in the month of May, before the holding of the ordinary General Meeting of proprietors directed to be holden in that month, and at such ordinary General Meeting two Directors shall be chosen, and the Directors so going out of office, or either of them, shall be capable of being re-elected in the same year at such General Meeting.

IV. No person shall be capable of being a Director of the said Association who shall not be a proprietor in his own right of Five shares of the Capital Stock of the said Association.

V. Ordinary General Meetings of the said proprietors shall be held at least twice in every year, that is to say, on the second Wednesday in the month of May and the second Wednesday in the month of November, and at every such ordinary Meeting the Directors of the said Association shall present a Report in writing of the state of the affairs of the said Association, and a balance sheet; and such General Meeting may declare a dividend out of the profits of the said Association, provided that no dividend shall be made which shall diminish the Capital of the said Association.

VI. It

VI. It shall be lawful for the said Association to make Bye-laws for the Regulation of its own proceedings, which Bye-laws shall be binding only on its own Members and Officers, provided that no such Bye-law shall be valid till it shall have been approved of by one extraordinary General Meeting of proprietors specially convened for that purpose, provided also that no such Bye-law shall be valid till it shall have been confirmed by the Governor of the Presidency of Fort William in Bengal.

VII. At any time after the 14th day of March 1860, it shall be lawful for the Governor General of India in Council, by an order in Council, to direct that the said Association shall be dissolved at the expiration of five years from the date of such order, and such order shall of itself have the effect of dissolving the said Corporation at the expiration of the said space of five years, except for the purposes mentioned in Section XXXIX., Act No. V. of 1838.

THOMAS JONES, "CALCUTTA GAZETTE" OFFICE.

BENGAL GOVERNMENT LIBRARY

ACT No. VI of 1854.

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PASSED BY THE GOVERNOR-GENERAL OF INDIA IN COUNCIL ON THE 10TH FEBRUARY 1854.

An Act to amend the practice and course of proceeding on the Equity side of Her Majesty's Supreme Courts of Judicature at Fort William in Bengal, Madras, and Bombay.

WHEREAS it is expedient to amend the practice and course of proceeding on the Equity side of Her Majesty's Supreme Courts of Judicature at Fort William in Bengal, Madras, and Bombay respectively; It is enacted as follows :—

I. Every bill of complaint to be filed in any of the said Courts after the time hereinafter appointed for the commencement of this Act, shall contain, as concisely as may be, a narrative of the material facts, matters, and circumstances on which the plaintiff relies, such narrative being divided into paragraphs numbered consecutively, and each paragraph containing, as nearly as may be, a separate and distinct statement or allegation, and shall pray specifically for the relief which the plaintiff may conceive himself entitled to, and also for general relief, but such bill of complaint shall not contain any interrogatories for the examination of the defendant.

II. Within a time, to be limited by the rules or orders to be made by the Judges of the said Courts respectively in that behalf, the plaintiff in any suit in any of the said Courts commenced by bill, may, if he requires an answer from any defendant thereto, file in the sworn clerk's or other proper office of the said Court, interrogatories for the examination of the defendant or defendants, or such of them from whom he shall require an answer, and deliver to the defendant or defendants so required to answer, or to his or their solicitor, a copy of such interrogatories, or of such of them as shall be applicable to the particular defendant or defendants, and no defendant shall be called upon or required to put in any answer to a bill unless interrogatories shall have been so filed, and a copy thereof delivered to him or his solicitor, within the time so to be limited, or within such further time as the Court shall think fit to direct.

III. Whether

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III. Whether the plaintiff in any suit in any of the said Courts shall or shall not require any answer from the defendant, or any one or more of the defendants to the bill, such defendant or defendants may, without leave of the Court, put in a plea, answer, or demurrer to the plaintiff's bill within the time now allowed to the defendant for demurring alone to a bill, or within such other time as shall be fixed by any rules or orders to be framed by the Judges of the said Courts respectively in that behalf; but after that time a defendant or defendants not required to answer the plaintiff's bill shall not be at liberty to put in a plea, answer, or demurrer to the bill, without leave of the Court; provided that the power of the Court to grant further time for pleading, answering, or demurring to any bill, upon the application of any defendant or defendants thereto, whether required to answer the bill or not, shall remain in full force, and shall not be in any wise prejudiced or affected; provided also that if the Court shall grant any further time to any defendant for pleading, answering, or demurring to the bill, the plaintiff's right to move for a decree under the provisions hereinafter contained shall in the meantime be suspended.

IV. The answer of the defendant to any bill of complaint in any of the said Courts may contain not only the answer of the defendant to the interrogatories so filed as aforesaid, but such statements material to the case as the defendant may think it necessary or advisable to set forth therein, and such answer shall also be divided into paragraphs, numbered consecutively, each paragraph containing, as nearly as may be, a separate and distinct statement or allegation.

V. The plaintiff in any suit commenced by bill shall be at liberty, at any time after the time allowed to the defendant for answering the same shall have expired (but before replication), to move the Court, upon such notice as shall in that behalf be prescribed by any rule or order to be made by the Judges of the said Courts respectively, for such decree or decretal order as he may think himself entitled to, and the plaintiff and defendant respectively shall be at liberty to file affidavits in support of and in opposition to the motion so to be made, and to use the same on the hearing of such motion; and if such motion shall be made after an answer filed in the cause, the answer shall for the purposes of the motion be treated as an affidavit.

VI. Upon any such motion for a decree or decretal order, it shall be discretionary with the Court to grant or refuse the motion, or to make an order

order giving such directions for or with respect to the further prosecution of the suit as the circumstances of the case may require, and to make such order as to costs as it may think right.

VII. The practice of excepting to bills, answers, and other proceedings in the said Courts for scandal or impertinence, shall be and the same is hereby abolished ; provided that it shall be lawful for any of the said Courts, or for a Judge thereof, to order any scandalous or impertinent matter introduced into any proceeding in the Court to be expunged, and any costs occasioned thereby, together with the costs of any application for the purpose, to be paid by the party introducing the same.

VIII. It shall be lawful for the Court, upon the application of the plaintiff in any suit in any of the said Courts, whether commenced by bill or by claim, and as to a suit commenced by bill, whether the defendant may or may not have been required to answer the bill, or may or may not have been interrogated as to the possession of documents, to make an order for the production by any defendant, upon oath, of such of the documents in his possession or power relating to matters in question in the suit as the Court shall think right, and the Court may deal with such documents when produced in such manner as shall appear just.

IX. It shall be lawful for any defendant in any suit, whether commenced by bill or by claim, but in suits commenced by bill which the defendant is required to answer not until after he shall have put in a sufficient answer to the bill, and without filing any cross bill of discovery, to file, in the sworn clerk's or other proper office of the Court wherein such suit is pending, interrogatories for the examination of the plaintiff, to which shall be prefixed a concise statement of the subjects on which a discovery is sought, and to deliver a copy of such interrogatories to the plaintiff or his solicitor, and such plaintiff shall be bound to answer such interrogatories, in like manner as if the same had been contained in a bill of discovery filed by the defendant against him on the day when such interrogatories shall have been filed, and as if the defendant to such bill of discovery had on the same day duly appeared ; and the practice of the Court with reference to excepting to answers for insufficiency or for scandal shall extend and be applicable to answers put into such interrogatories ; provided that in determining the materiality or relevancy of any such answer, or of any exception thereto, the Court is to have regard, in suits commenced by bill, to the statement contained in the original bill, and in the answer which may have been put in

in thereto by the defendant exhibiting such interrogatories for the examination of the plaintiff, and in suits commenced by claim, to the statements therein and in any affidavits which may have been filed either in support thereof or in opposition thereto; provided also that a defendant, if he shall think fit so to do, may, by leave of the Court or of a Judge thereof, exhibit a cross bill of discovery against the plaintiff, instead of filing interrogatories for his examination.

X. It shall be lawful for the Court, upon the application of any defendant in any suit, whether commenced by bill or by claim, but as to suits commenced by bill where the defendant is required to answer the plaintiff's bill not until after he has put in a full and sufficient answer to the bill, unless the Court shall make any order to the contrary, to make an order for the production by the plaintiff in such suit, on oath, of such of the documents in his possession or power relating to the matters in question in the suit as the Court shall think right, and the Court may deal with such documents when produced in such manner as shall appear just.

XI. Every plea, answer, disclaimer, or examination may be sworn and filed without any further or other formality than is required in the swearing and filing of an affidavit.

XII. In suits commenced in any of the said Courts by bill, where notice of motion for a decree or decretal order shall not have been given, or, having been given, where a decree or decretal order shall not have been made thereon, issue shall be joined by filing a replication, in the form or to the effect of the replication now in use in the said Courts respectively, and where a defendant shall not have been required to answer and shall not have answered the plaintiff's bill, he shall be considered to have traversed the case made by the bill.

XIII. Where a defendant to a suit in any of the said Courts commenced by bill shall not have been required to answer the bill, and shall not have answered the same, such defendant shall be at liberty to move to dismiss the bill for want of prosecution, at such times and under such circumstances, and subject to such restrictions, as shall be in that behalf prescribed by any rules or orders to be made by the Judges of the said Courts respectively in that behalf.

XIV. Every affidavit to be used in any of the said Courts shall be expressed in the first person, and shall be divided into paragraphs, and every paragraph

paragraph shall be numbered consecutively, and as nearly as may be shall be confined to a distinct portion of the subject. Provided that nothing herein contained shall preclude the Court or any Judge thereof, in any case in which such Court or Judge may think fit so to do, from allowing any affidavit to be used, notwithstanding the same may not be made according to the provisions of this Section.

XV. When any suit commenced in any of the said Courts by bill shall be at issue, the Court or a Judge thereof may, upon the application of any of the parties to the suit, and by consent of all the other parties thereto, make an order that the parties shall be at liberty to verify their respective cases by affidavit, and such cases may thereupon be verified accordingly. If any one or more of the parties, who shall not have a sufficient interest in the matters in question to require the evidence to be oral, shall not consent to the making of such order, the Court or a Judge thereof may make the same without the consent of such party or parties.

XVI. If no such order shall be made, the evidence to be adduced in the cause after issue joined therein shall be taken orally before the Court, and the attendance of witnesses and the production of documents may be enforced in the manner for the time being in use on the Common Law side of the said Courts respectively; provided that the Court may order any particular witness or witnesses within the jurisdiction of the Court, or any witness or witnesses out of the jurisdiction of the Court, to be examined, upon interrogatories or otherwise, under a commission, and to make such order relating to such examination as the Court may think fit; and provided also that affidavits of particular witnesses, or affidavits as to particular facts or circumstances, may, by consent of the parties, or by leave of the Court obtained upon notice, be used on the hearing of any cause; such consent, and also the consent required by the Section XV of this Act, may, with the approbation of the Court, be given by or on the part of any married woman, infant, or other persons under disability.

XVII. Upon the hearing of any suit depending in any of the said Courts, whether commenced by bill or claim, and also upon the hearing of any motion, petition, or other proceeding in any of the said Courts, the Court may, upon the application of any of the parties thereto, or of its own accord, require and enforce the attendance and oral examination before itself of any witness, or of any party to the suit, and may also require and enforce the production of any document or documents, and may direct the costs of the attendance and examination of such witness or party, and of the production of such document

document or documents, to be paid by such of the parties to the suit, or in such manner as it may think fit.

XVIII. Any party in any suit or matter may, by order of the Court or of a Judge thereof, issue a writ of subpœna ad testificandum or duces tecum, for the purpose of compelling the attendance of any person before the said Courts, or before a Commissioner or Commissioners at a time and place to be specified in such subpœna, to give evidence and produce documents in support of, or in opposition to any claim, motion, petition, or other proceeding before the Court; and every person served with such subpœna shall be bound to attend in pursuance thereof, and to produce documents, and to give evidence in like manner and subject to the same rules as a witness subpœnaed to attend or produce documents upon the trial of any cause in the said Court.

XIX. Any person who shall make an affidavit which shall be used or filed by any party to a suit in any of the said Courts, may, by the order of the Court or of a Judge thereof, be subjected to oral cross-examination by or before the Court, or by or before a Commissioner or Commissioners, and may be subpœnaed to attend for that purpose, and to produce any document or documents, at a time and place to be specified in the subpœna, aud any person so subpœnaed shall be bound to attend and produce such document or documents in pursuance of such subpœna, in the same manner and subject to the same rules as a witness subpœnaed to attend and give evidence or produce documents on the trial of a cause, and such person may be cross-examined and re-examined orally; provided that the Court shall always have a discretionary power of acting upon such evidence as may be before it at the time, and of making such interim orders as may appear necessary to meet the justice of the case.

XX. The costs of the attendance of any person for the purpose of cross examination as aforesaid, and of the said cross-examination and re-examination, shall be paid by the parties respectively, in like manner as if the person so attending to be cross-examined were the witness of the party cross-examining, and shall be deemed costs in the cause of such parties respectively, unless the Court shall otherwise direct.

XXI. It shall not be competent to any defendant in any suit in any of the said Courts to take any objection for want of parties to such suit, in any case to which the rules hereinafter set forth extend, and such rules shall be deemed and taken as part of the law and practice of the said Courts respectively, and any law or practice of any of the said Courts inconsistent therewith shall be and is hereby abrogated and annulled.

Rule 1*st*.—Any

Rule 1st.—Any residuary legatee or next of kin may, without serving the remaining residuary legatees or next of kin, have a decree for the administration of the personal estate of a deceased person.

Rule 2nd.—Any legatee interested in a legacy charged upon real estate, and any person interested in the proceeds of real estate directed to be sold, may, without serving any other legatee or person interested in the proceeds of the estate, have a decree for the administration of the estate of a deceased person.

Rule 3rd.—Any residuary devisee or heir may, without serving any co-residuary devisee or co-heir, have the like decree.

Rule 4th.—Any one of several cestuis que trust under any deed or instrument may, without serving any other of such cestuis que trust, have a decree for the execution of the trusts of the deed or instrument.

Rule 5th.—In all cases of suits for the protection of property pending litigation, and in all cases in the nature of waste, one person may sue on behalf of himself and of all persons having the same interest.

Rule 6th.—Any executor, administrator, or trustee may obtain a decree against any one legatee, next of kin, or cestui que trust for the administration of the estate or the execution of the trusts.

Rule 7th.—In all the above cases the Court, if it shall see fit, may require any other person or persons to be made a party or parties to the suit, and may, if it shall see fit, give the conduct of the suit to such person as it may deem proper, and may make such order in any particular case as it may deem just for placing the defendant on the record on the same footing in regard to costs as other parties having a common interest with him in the matters in question.

Rule 8th.—In all the above cases the persons who, according to the present practice of the Court, would be necessary parties to the suit, shall be served with notice of the decree, and after such notice they shall be bound by the proceedings in the same manner as if they had been originally made parties to the suit, and they may, by an order of Court, have liberty to attend the proceedings under the decree; and any party so served may, within such time as shall in that behalf be prescribed by any general rule or order to be made by the said Courts respectively in that behalf, apply to the Court to add to the decree.

Rule 9th.—In all suits concerning real or personal estate which is vested in trustees under a will, settlement, or otherwise, such trustees shall represent

present the persons beneficially interested under the trust, in the same manner and to the same extent as the executors or administrators in suits concerning personal estate represent the persons beneficially interested in such personal estate, and in such cases it shall not be necessary to make the persons beneficially interested under the trusts parties to the suit, but the Court may, upon consideration of the matter on the hearing, if it shall so think fit, order such persons or any of them to be made parties.

XXII. The practice of setting down a cause merely on an objection for want of parties to the suit shall be abolished.

XXIII. If in any suit or other proceeding before any of the said Courts it shall appear to the Court that any deceased person who was interested in the matters in question has no legal personal representative, it shall be lawful for the Court either to proceed in the absence of any person representing the estate of such deceased person, or to appoint some person to represent such estate for all the purposes of the suit or other proceeding, on such notice to such person or persons, if any, as the Court shall think fit, either specially or generally by public advertisements; and the order so made by the Court, and any orders consequent thereon, shall bind the estate of such deceased person, in the same manner in every respect as if there had been a duly constituted legal personal representative of such deceased person, and such legal personal representative had been a party to the suit or proceeding, and had duly appeared and submitted his rights and interests to the protection of the Court.

XXIV. It shall be lawful for any person claiming to be a creditor, or a specific pecuniary or residuary legatee, or the next of kin, or some or one of the next of kin of a deceased person, to apply for and obtain as of course, without bill or claim filed, or any other preliminary proceedings, a summons from a Judge of any of the said Courts requiring the executor or administrator, as the case may be, of such deceased person, to attend before him at chambers for the purpose of showing cause why an order for the administration of the personal estate of the deceased should not be granted, and upon proof by affidavit of the due service of such summons, or on the appearance in person, or by his solicitor or counsel, of such executor or administrator, and upon proof by affidavit of such other matters, if any, as such Judge shall require, it shall be lawful for such Judge, if in his discretion he shall think fit so to do, to make the usual order for the

the administration of the estate of the deceased with such variations, if any, as the circumstances of the case may require, and the order so made shall have the force and effect of a decree to the like effect made on the hearing of a cause or claim between the same parties; provided that such Judge shall have full discretionary power to grant or refuse such order, or to give any special directions touching the carriage or execution of such order, and in the case of applications for any such order by two or more different persons or classes of persons, to grant the same to such one or more of the claimants, or of the classes of claimants, as he may think fit; and if the Judge shall think proper, the carriage of the order may subsequently be given to such party interested, and upon such terms as the Judge may direct.

XXV. A duplicate or copy of such summons shall, previously to the service thereof, be filed in the office of the Registrar or other proper Officer of the Court, and no service thereof upon any executor or administrator shall be of any validity unless the copy so served shall be countersigned by such Registrar or other Officer as an indication of the filing thereof, and the filing of such summons shall have the same effect with respect to *lis pendens* as the filing of a bill or claim.

XXVI. It shall be lawful for any person claiming to be a creditor of a deceased person, or interested under his will, to apply for and obtain in a summary way, in the manner hereinbefore provided with respect to the personal estate of a deceased person, an order for the administration of the immoveable estate of such deceased person, if a Hindoo, or a Mahomedan, or a Parsee, or for the administration of the real estate of any deceased person not being a Hindoo, or a Mahomedan, or a Parsee, where the whole of such real estate is by devise vested in trustees who are by the will empowered to sell such real estate, and authorized to give receipts for the rents and profits thereof, and for the produce of the sale of such real estate; and all the provisions hereinbefore contained with respect to the application for such order, in relation to the personal estate of a deceased person and consequent thereon, shall extend and be applicable to applications for such orders as hereinbefore mentioned with respect to immoveable or real estate.

XXVII. It shall be lawful for the Court, in any suit for the foreclosure of the equity of redemption in any mortgaged property, upon the request of the mortgagee or of any subsequent incumbrancer, or of the mortgagor,

mortgagor, or any person claiming under them respectively, to direct a sale of such property instead of a foreclosure of such equity of redemption, on such terms as the Court may think fit to direct, and if the Court shall so think fit without previously determining the priorities of incumbrances, or giving the usual or any time to redeem; provided that if such request shall be made by any subsequent incumbrancer, or by the mortgagor, or by any person claiming under them respectively, the Court shall not direct any such sale without the consent of the mortgagee, or the persons claiming under him, unless the party making such request shall deposit in Court a reasonable sum of money, to be fixed by the Court, for the purpose of securing the performance of such terms as the Court may think fit to impose on the party making such request.

XXVIII. No suit in any of the said Courts shall be dismissed by reason only of the misjoinder of persons as plaintiffs therein, but wherever it shall appear to the Court that notwithstanding the conflict of interest in the co-plaintiffs, or the want of interest in some of the plaintiffs, or the existence of some ground of defence affecting some or one of the plaintiffs, the plaintiffs, or some or one of them, are, or is entitled to relief, the Court shall have power to grant such relief and to modify the decree according to the special circumstances of the case, and for that purpose to direct such amendments, if any, as may be necessary, and at the hearing, before such amendments are made, to treat any one or more of the plaintiffs as if he or they was or were a defendant or defendants in the suit, and the remaining or other plaintiff or plaintiffs was or were the only plaintiff or plaintiffs on the record; and where there is a misjoinder of plaintiffs and the plaintiff having an interest shall have died leaving a plaintiff on the record without an interest, the Court may, at the hearing of the cause, order the cause to stand revived, as may appear just and proceed to a decision of the cause if it shall see fit, and to give such directions as to costs or otherwise as may appear just and expedient.

XXIX. No suit in any of the said Courts shall be open to objection on the gronnd that a merely declaratory decree or order is sought thereby, and it shall be lawful for the Court to make binding declarations of right without granting consequential relief.

XXX. It shall be lawful for the Court to adjudicate on questions arising between parties notwithstanding that they may be some only of the parties interested in the property respecting which the question may have arisen, or that the property in question is comprised with other property

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in the same settlement, will, or other instrument, without making the other parties interested in the property respecting which the question may have arisen, or interested under the same settlement, will, or other instrument, parties to the suit, and without requiring the whole trusts and purposes of the settlement, will, or other instrument to be executed under the direction of the Court, and without taking the accounts of the trustees or other accounting parties, or ascertaining the particulars or amount of the property touching which the question or questions may have arisen ; provided always, that if the Court shall be of opinion that the application is fraudulent or collusive, or for some other reason ought not to be entertained, it shall have power to refuse to make the order prayed.

XXXI. Upon any suit in any of the said Courts becoming abated by death, marriage, or otherwise, or defective by reason of some change or transmission of interest or liability, it shall not be necessary to exhibit any bill of revivor or supplemental bill in order to obtain the usual order to revive such suit or the usual or necessary decree or order to carry on the proceedings ; but an order to the effect of the usual order to revive, or of the usual supplemental decree, may be obtained as of course, upon a suggestion of the abatement of such suit or of the same having become defective, and of the change or transmission of interest or liability ; and an order so obtained when served upon the party or parties, who, according to the present practice of the Court, would be defendant or defendants to the bill of revivor or supplemental bill, shall, from the time of such service, be binding on such party or parties in the same manner in every respect as if such order had been regularly obtained according to the existing practice of the Court and such party or parties shall thenceforth become a party or parties to the suit, and shall be bound to enter an appearance thereto in the office of the Registrar or other Officer of the Court within such time and in like manner as if he or they had been duly served with process to appear to a bill of revivor or supplemental bill filed against him or them ; provided that it shall be open to the party or parties so served, within such time after service as shall be in that behalf prescribed by any rule or order to be made by the Judges of the said Courts respectively, to apply to the Court by motion or petition to discharge such order on any ground which would have been open to him or them on a bill of revivor or supplemental bill stating the previous proceedings in the suit and the alleged change or transmission of interest or liability, and praying the usual relief consequent thereon ; provided also, that

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if any party so served shall be under any disability other than coverture, such order shall be of no force or effect as against such party until a guardian or guardians *ad litem* shall have been duly appointed for such party, and such time shall have elapsed thereafter as shall be prescribed by any rule or order to be made by the Judges of the said Courts respectively in that behalf.

XXXII. It shall not be necessary to exhibit any supplemental bill in any of the said Courts for the purpose only of stating or putting in issue facts or circumstances which may have occurred after the institution of any suit; but such facts or circumstances may be introduced by way of amendment into the original bill of complaint in the suit, if the cause is otherwise in such a state as to allow of an amendment being made in the bill, and if not the plaintiff shall be at liberty to state such facts or circumstances on the record, in such manner and subject to such rules and regulations with respect to the proof thereof, and the affording to the defendant leave and opportunity of answering and meeting the same, as shall in that behalf be prescribed by any rule or order to be made by the Judges of the said Courts respectively.

XXXIII. It shall be lawful for the Court in any case where any account is required to be taken to give such special directions, if any, as it may think fit, with respect to the mode in which the account should be taken or vouched, and such special directions may be given either by the decree or order directing such account, or by any subsequent order or orders upon its appearing to the Court that the circumstances of the case are such as to require such special directions, and particularly it shall be lawful for the Court, in cases where it shall think fit so to do, to direct that in taking the account, the books of account in which the accounts required to be taken have been kept, or any of them, shall be taken as *primâ facie* evidence of the truth of the matters therein contained, with liberty to the parties interested to take such objections thereto as they may be advised.

XXXIV. If after a suit shall have been instituted in any of the said Courts in relation to any real estate, it shall appear to the Court that it will be necessary or expedient that the said real estate, or any part thereof, should be sold for the purposes of such suit, it shall be lawful for the said Court to direct the same to be sold at any time after the institution thereof, and such sale shall be as valid to all intents and purposes as if directed to be made by a decree or decretal order on the hearing of such cause; and any party to the suit in possession of such estate, or in receipt of the rents and profits thereof

thereof, shall be compelled to deliver up such possession or receipt to the purchaser or such other person as the Court shall direct.

XXXV. Where any real or immoveable or any personal property shall form the subject of any proceedings in any of the said Courts, and the Court shall be satisfied that the same will be more than sufficient to answer all the claims thereon, which ought to be provided for in such suit, it shall be lawful for the said Court, at any time after the commencement of such proceedings, to allow to the parties interested therein, or any one or more of them, the whole or part of the annual income of such real or immoveable property, or a part of such personal property, or a part or the whole of the income thereof, up to such time as the said Court shall direct, and for that purpose to make such orders as may appear to the said Court necessary or expedient, and from time to time to alter the same.

XXXVI. Upon application by motion or petition to any of the said Courts in any suit depending therein for an injunction or for a receiver, or to dissolve an injunction or discharge an order appointing a receiver, the answer of the defendant shall, for the purpose of evidence on such motion or petition, be regarded merely as an affidavit of the defendant, and affidavits may be received and read in opposition thereto.

XXXVII. In case any of the directions herein contained with respect to the practice and course of proceedings in any of the said Courts shall, by mistake of parties, fail to be followed in any suit or proceeding in any of the said Courts, it shall be lawful for the Court, if it shall think fit, upon payment of such costs as such Court shall direct, to make such order giving effect to, and rectifying such proceedings as may be justified by the merits of the case.

XXXVIII. In cases where, according to the present practice of the said Courts, they decline to grant equitable relief until the legal title or right of the party or parties seeking such relief shall have been established in a proceeding at law, any of the said Courts, sitting as a Court of Equity, may itself determine such title or right without requiring the parties to proceed at law to establish the same.

XXXIX. It shall be lawful for any of the said Courts, in any case in which it shall think fit so to do, to refer to a Judge of the Court any matters now usually referred to the Master ; and also for any of the said Courts to hear and investigate either in Court or in chambers any such matters, and to decide

decide any case without a reference either to a Judge or to a Master; and all the powers, authority, and jurisdiction given to, or vested in the Masters of the said Courts respectively by any act, law, or practice shall be deemed to have been given to or vested in any of the Judges of the said Courts respectively as well as to or in the said Masters.

XL. If exceptions to the report of a Judge or Master of any of the said Courts be not filed within fourteen days after the date of the report, it shall not be necessary to obtain any order of the Court for the confirmation of such report; but such report shall be deemed to be confirmed from and after the expiration of such fourteen days.

XLI. If any exception to the report or certificate of a Judge or Master be allowed by the Court, it shall not be necessary to refer the case back to the Judge or Master; but the Court may, if it think fit so to do, hear and investigate in Court or in chambers any matter which it may be necessary to decide in consequence of the allowance of such exception, and to decide the case without any further reference to a Judge or to the Master.

XLII. Any of the following matters may be disposed of by a Judge of any of the said Courts respectively while sitting in chambers, *videlicet*, applications for time to plead, answer or demur, for leave to amend bills or claims for the production of documents, also applications relating to the conduct of suits or matters, and as to the guardianship and maintenance of infants, matters connected with the management of property, and such other matters as any Judge shall from time to time see fit, or as the Court shall by any general rule or order direct. Provided that any order of a Judge sitting in chambers may be set aside or altered by the Court upon such terms as the Court shall think fit.

XLIII. The Judges of the said Courts respectively may, from time to time, make general rules and orders for carrying the purposes of this Act into effect, for regulating the times and form and mode of proceeding in Court and in chambers and in the offices of the Masters of the said Courts respectively, for abolishing common injunctions in any case where the practice exists, and generally for regulating the practice of the said Court in respect of the matters to which this Act relates; for fixing and regulating the fees and allowances to all officers of the said Court and solicitors thereof, and, so far as may be found expedient, for altering the course of proceeding hereinbefore prescribed in respect to the matters to which this Act relates or any

of

of them ; and such rules and orders may, from time to time, be rescinded or altered by the like authority, and all such rules and orders shall be subject to be confirmed or disallowed by the Governor-General of India in Council, and to be altered or rescinded by Her Majesty, her heirs or successors, in Council, in the same manner as the like rules and orders would have been, if made by the said Courts respectively under their general or statutory power of making rules.

XLIV. This Act shall extend to suits and proceedings on the Equity side only of the said Supreme Courts ; and in the construction of this Act the words " Bill of Complaint" shall mean and include " Information," and the word " Affidavit" shall mean and include " Affirmation" in cases where affirmation is allowed.

XLV. This Act shall commence and take effect from and after the 1st day of May 1854. Provided that it shall be lawful for the Judges of the said Courts respectively to make and issue any such rules or orders as aforesaid at any time after the passing of this Act, but the same shall not take effect before the time appointed for the commencement of this Act.

ACT No. VII. OF 1854.

Passed by the Governor General of India in Council on the 17th February 1854.

AN ACT *for the apprehension, within the territories under the Government of the East India Company, of persons charged with the Commission of heinous offences beyond the limits of the said territories, and for delivering them up to justice, and to provide for the execution of warrants in places out of the jurisdiction of the authorities issuing them.*

WHEREAS it is expedient to provide for apprehending and delivering up to justice persons, whether subjects of the British or of any Foreign Government, who shall take refuse or be found in any part of the territories under the Government of the East India Company, and shall be charged with having been guilty of heinous offences in any part of the dominions of Her Majesty, or in the territories of any Foreign Prince or State; to facilitate the execution in any part of the territories under the Government of the East India Company of warrants issued by competent Officers in any other parts thereof; and to enable the Government of any Presidency or place within such last-mentioned territories to carry out treaties entered into by or on behalf of Her Majesty or the East India Company with any Foreign Prince or State; It is enacted as follows:—

I. If requisition be made by or by the authority of the person or persons for the time being administering the executive Government of any part of the dominions of Her Majesty, to the Government of any part of the British territories in India, to deliver up to justice any person accused of having been guilty of any heinous offence in any part of Her Majesty's dominions snbject to the Government making the requisition, and who shall be, or shall be supposed to be, in any part of the British territories in India subject to the Government to which the requisition shall be made, or if a similar requisition be made by any Foreign Prince or State, or by any duly authorized Minister or Officer thereof, in respect of a person accused of having been guilty of any heinous offence in any part of the territories of such Foreign Prince or State, it shall be lawful for the Government to which the requisition

tion shall be made, if it shall see fit so to do, to issue an order in writing for inquiry into the truth of the charge; and such order shall be sufficient proof of the requisition having been duly made, and a sufficient justification for all acts done in pursuance thereof.

II. The order shall be signed by one of the Secretaries to the Government; it shall be directed to all Magistrates and Justices of the Peace of the Presidency or place under the control of such Government; it shall signify that the requisition has been made, shall state the nature of the offence charged, the name or other designation, if the name be not known, of the person accused, and any other description of him that may be thought necessary, and it shall require the Magistrates and Justices to whom it shall be directed or any of them to inquire into the truth of the charge, and to proceed in pursuance of this Act.

III. Upon the production of the order to any such Magistrate or Justice of the Peace, he shall have the same powers as if the offence charged had been committed within his jurisdiction.

IV. If the evidence adduced shall in the judgment of the Magistrate or Justice of the Peace be sufficient to justify the apprehension of the person accused for the offence, the Magistrate or Justice of the Peace shall issue his warrant for the apprehension of such person. The warrant shall be issued in the same manner as a warrant for an offence committed within the jurisdiction of the Magistrate or Justice of the Peace issuing it, and shall contain a memorandum stating that the warrant is issued under this Act, and if the warrant be issued under an order of Government, shall also state the fact and specify the Government. The memorandum may be to the following effect:—

This warrant is issued under Act No. VII. of 1854, and is issued under an order of the Government of

V. The warrant of any Magistrate or Justice of the Peace having jurisdiction in any part of the territories under the Government of the East India Company for the arrest of any person charged with having committed any offence, whether such warrant be issued under the provisions of this Act or not, may be executed within the jurisdiction of any other Magistrate or Justice of Peace having jurisdiction in any part of the said territories, whether in the same Presidency or not, upon having a written authority under the hand and seal of the Magistrate or Justice of the Peace, within whose jurisdiction

jurisdiction it may be executed, previously endorsed thereon, and which endorsement may be to the following effect :—

To the Nazir [or other Officer as the case may be] of the Zillah of

"This warrant may be executed in the zillah or district of

" (describing the zillah or district of the indorsing Magistrate or Justice of the Peace) by any of the Officers to whom the same is directed or by [describing by his name of office the Officer to whom a similar warrant, issued by the indorsing Magistrate or Justice of the Peace, would be directed.]

VI. The Magistrate indorsing a warrant in pursuance of the provisions of Section V. of this Act shall not be liable to any action or other proceeding in consequence of any illegality in the issuing of the warrant; but any Magistrate illegally or improperly issuing the same shall be liable for an arrest in pursuance of the indorsement, in the same manner and to the same extent only as if the warrant had been executed within his own judisriction.

VII. Upon the apprehension of the supposed offender, if the offence be alleged to have been committed in any part of the territories under the Government of the East India Company, he shall be carried before the Magistrate within whose jurisdiction the offence shall be alleged to have been committed, and shall be by him dealt with according to law, unless by the warrant the Officer be authorized to take bail or security, and such bail or security be given for the appearance of the person accused before the Magistrate or Justice of the Peace of the zillah or district in which the offence shall be alleged to have been committed. If the offence be charged to have been committed in any place not within the territories under the Government of the East India Company, the person arrested shall be forthwith carried before a Magistrate or Justice of the Peace of the zillah or district in which he shall be arrested. The Magistrate or Justice of the Peace, before whom the supposed offender shall be carried in pursuance of the last mentioned directions, may proceed in the same manner as in cases in which he has power to commit for trial, or to hold to bail for an offence committed within his own jurisdiction. If after making as full an inquiry into all the circumstances of the case as the evidence obtainable by the Magistrate or Justice of the Peace within the territories under the Government of the East India Company will enable him to make, the evidence adduced shall be sufficient in his judgment to warrant a committal, he shall commit the accused

cused to some place of confinement within his zillah or district, which in the judgment of the Magistrate or Justice of the Peace shall be fit for receiving the prisoner, or if there be no such place, to the gaol of the Presidency, there to remain until he shall be delivered up or discharged by orders of Government; if after making such inquiry the circumstances shall not in the judgment of the Magistrate or Justice of the Peace be sufficient to warrant either the committal or the holding to bail of the prisoner, he shall be discharged.

VIII. If the offence charged be one committed out of the British territories in India, which if committed within the jurisdiction of the Magistrate would be bailable, the Magistrate or Justice of the Peace may proceed accordingly, and may discharge the prisoner upon his giving the necessary bail. The recognizance or bail-bond in such case shall be for the appearance of the accused before the Magistrate or Justice of the Peace for the time being of the zillah or district in which the recognizance shall be taken, on a certain day to be named therein, allowing reasonable time for receiving the orders of Government, and on such subsequent days as the Magistrate or Justice of the Peace for the time being shall from time to time appoint.

IX. If any person shall in pursuance of this Act be carried before a Magistrate or Justice of the Peace other than the one who issued the warrant, or a Magistrate or Justice of the Peace for the time being of the same zillah or district, the depositions and documents upon which the warrant was issued, or copies thereof, to be certified under the hand and seal of the Magistrate or Justice of the Peace of the zillah or district in which the warrant was issued, shall, upon the requisition of the Magistrate or Justice of the Peace before whom such person shall be carried, be forwarded to such Magistrate or Justice of the Peace; and if the warrant be issued under an order of Government, and executed in a Presidency or place not under the Government issuing the order, notice of the arrest shall be forthwith communicated to such Government, who shall forward the requisition and any documents relating thereto in their possession to the Government having jurisdiction over the place of arrest, and such last-mentioned Government shall have the same powers as the Government who made the order.

X. If the person accused of the offence mentioned in any such order of Government be proved to have been convicted and sentenced for the offence charged by a Court of justice in any part of Her Majesty's dominions in which the

the offence is alleged to have been committed, and to have escaped before such sentence was carried into execution ; the Magistrate or Justice of the Peace, upon proof of such conviction and sentence, may issue a warrant for the apprehension of the person accused, and he may be arrested and committed in manner aforesaid without further proof, unless such person shall prove that the conviction or sentence has been reversed or annulled.

XI. If it appear to the Magistrate or Justice of the Peace, before whom any prisoner shall be carried under this Act for an offence alleged to have been committed in any territories not under the Government of the East India Company, that particular circumstances exist which render it advisable that the case should be investigated by the Magistrate or Justice of the Peace of a zillah or district nearer to such territories, he shall forthwith report the case and the particular circumstances to the Government, who shall either order such Magistrate or Justice of the Peace to proceed with the case himself, or to send the case to be investigated by the Magistrate or Justice of the Peace of any other district to be named by the Government. In the latter case the prisoner shall be sent, or if the offence be bailable, shall give bail to appear before such last-mentioned Magistrate or Justice of the Peace, who shall have power to deal with the case as if he had issued the warrant under which the prisoner shall be arrested, and all the depositions and documents shall be forwarded to such Magistrate or Justice of the Peace. The order of Government shall be a sufficient justification for all persons acting in pursuance thereof.

XII. The Government by whom any order under Section I. of this Act shall be made, may, if they think fit so to do, direct that copies of any depositions or exhibits which shall have been laid before them and shall have been certified to their satisfaction to be true copies of depositions or exhibits made or produced before a competent judicial Officer of the territories in which the offence is alleged to have been committed, may be received in evidence of the criminality of the person accused, and such direction shall be sufficient authority for receiving the same in evidence.

XIII. The Magistrate or Justice of the Peace, after committing the accused or holding him to bail as aforesaid, for any offence committed out of the territories under the Government of the East India Company, shall forthwith report the result of his proceedings to the Government to which he is subordinate, together with any remarks which he may deem necessary or proper

proper to make upon the whole case. He shall also forward with such report a copy of all depositions and documents used before him.

XIV. Upon receipt of the report, and after examining the case, the Government may, by order in writing to be signed by the Secretary to the Government, order the accused either to be discharged or to be held to bail to appear in such Court or place and at such time or times as the Government may think fit, or to be delivered up to some person authorized by the Government or Officer making the requisition to receive and take charge of him. In cases falling within the provisions of Act I. of 1849, the Government may order the person accused to be tried under that Act.

XV. If ordered to be delivered up, the person to whom the accused shall be ordered to be delivered shall not have the custody or charge of him so long as he shall remain in any part of the territories under the Government of the East India Company, but the accused shall be conveyed in custody through such last-mentioned territories towards the territories in which the offence shall be alleged to have been committed, in the same manner as a prisoner sent from the station of one district to that of another, and as soon as he shall have been conveyed to the frontiers of the territories under the Government of the East India Company, he shall be delivered over to some person authorized by the Government making the requisition to receive and take charge of him. If no such person shall attend to receive the prisoner the latter shall be taken before the nearest Magistrate, who may order him to be discharged out of custody, and may provide him with such means of returning to the place where he was apprehended, or so near thereto as he may desire, as such Magistrate may think necessary and suitable to his station in life.

XVI. Any Magistrate or Justice of the Peace acting under the provisions of this Act shall issue all necessary warrants, orders and directions for carrying this Act, and also any order made under it by the Government, into effect, under his signature and seal, or seal of office, if he shall have a seal of office, and all Magistrates and Officers acting in pursuance of this Act shall have and exercise the same powers as if the offence charged had been committed within the zillah or district subject to their jurisdiction, and in cases where the accused may have been held to bail, the Magistrate may order the bail-bond to be renewed in such form as may be necessary to carry any order of Government into effect, and if such bail-bond shall not be renewed accordingly

ingly, may commit the person accused to prison for such period as may be necessary to carry such order into effect.

XVII. In case any person arrested under this Act shall escape out of custody, he may be re-taken in any part of the territories under the Government of the East India Company, in the same manner as if he had escaped from custody under process for an offence committed in that part of such territories in which he shall be found.

XVIII. If a warrant be issued in any part of Her Majesty's dominions not under the Government of the East India Company, for the arrest of any person for any heinous offence alleged to have been committed therein, or for the arrest of any person for any heinous offence of which he may have been convicted by a Court of competent jurisdiction, in any such part of Her Majesty's dominions, any Magistrate or Justice of the Peace within the territories under the Government of the East India Company, may upon the production of such warrant and proof of the signature of the Officer signing it, and of his authority to issue the same, and without any further proof and without any order of Government, issue his warrant for the apprehension of the person accused, and after his apprehension may proceed to commit or hold him to bail in manner aforesaid, and to take such other proceedings as aforesaid as the case may require, but the person accused shall not be delivered over as aforesaid without an order of Government. The Government in such case shall have the same powers as if the proceedings had been taken in pursuance of an order of Government issued under this Act.

XIX. In cases in which the immediate apprehension within the British territories in India of any person accused of having committed any heinous offence mentioned in Section XXI. of this Act out of such territories shall, in the judgment of a Magistrate or Justice of the Peace having jurisdiction in any part of such territories in which the person accused shall be found, be necessary for the ends of justice, the person accused may without an order of Government be apprehended or proceeded against in the same manner as for an offence charged to have been committed in the place where the person accused shall be found, and after his apprehension he may be committed or held to bail in manner aforesaid, and such other proceedings as aforesaid may be taken as the case may require, but the person accused shall not be delivered up without an order of Government. The Govern-

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ment in such case shall have the same powers as if the proceedings had been taken in pursuance of an order of Government issued under this Act.

XX. If any person imprisoned under this Act shall not either be delivered up or discharged or brought to trial within two calendar months after his committal, it shall be lawful for the principal court of original jurisdiction in criminal cases in the district in which he shall be imprisoned, upon application by or on behalf of the prisoner, to order him to be discharged out of custody, either upon giving such bail as the Court may order, or without bail, unless sufficient cause shall be shown to the Court why such discharge ought not to be ordered. Provided that no such order shall be made until after notice of the application or of the intention to make the same shall have been given to Government or to the Secretary or one of the Secretaries thereof.

XXI. The words "heinous offence" in this Act shall be deemed to include treason against Her Majesty committed in any part of Her Majesty's dominions, murder, attempting to murder, rape, great personal violence, maiming, dacoity, thuggee, robbery, burglary, knowingly receiving property obtained by dacoity, robbery or burglary, cattle-stealing, breaking and entering a dwelling-house and stealing therein, arson, setting fire to a village, house, or town, forgery or uttering forged documents, counterfeiting current coin, knowingly uttering base or counterfeit coin, perjury, subornation of perjury, embezzlement whether by public Officers or other persons, and being an accessory to any of the above-mentioned offences.

XXII. The said words "heinous offence" in this Act shall also be deemed to include any offence for which by any treaty in force between Her Majesty or the East India Company, and any Foreign Prince or State, Her Majesty or the East India Company, shall, at the time of making any requisition as aforesaid, be bound to deliver up offenders to the Foreign Prince or State making the same, and any other offence which in the judgment of the Government to whom the requisition shall be made, shall be serious or aggravated, and for which the person accused cannot be tried within the territories under the Government of the East India Company under the provisions of Act No. I, 1849.

XXIII. If by any such treaty Her Majesty or the East India Company shall be bound to deliver up to any Foreign Prince or State any person liable to be proceeded against by the laws of such Foreign Prince or State, in any case

not

not expressly provided for by this Act, or in any manner other than that provided by this Act, it shall be lawful for the Government of any part of the territories under the Government of the East India Company, in which such person may be found, upon requisition made by or on the part of such Foreign Prince or State, to adopt such proceedings for carrying such treaty into effect, and for the surrender of such person, and for making any preliminary inquiry into the charge contained in the requisition, as it shall think fit, and any such order of the Government in writing, under the hand of one of the Secretaries of such Government, shall be a sufficient authority and justification for all acts to be done in execution thereof.

XXIV. Sections V. VI. and VII., Regulation XI. of 1827, of the Bombay Code, are repealed.

XXV. Unless where a contrary intention appears from the context, the word "Government," as used in this Act, shall be deemed to mean and include the Governor General of India in Council, or the person or persons administering the Executive Government in any Presidency or place within the British territories in India. The words "British territories in India" shall include any part of the territories under the Government of the East India Company. The word "Magistrate," as used in this Act, is intended to include a Joint Magistrate, or any person lawfully exercising the powers of a Magistrate, and also a Justice of the Peace. Words in the singular number are intended to include the plural, and words in the masculine gender to include the feminine.

THOMAS JONES, "CALCUTTA GAZETTE" OFFICE.

ACT No. VIII of 1854.

Passed by the Governor General of India in Council on the 17th February 1854.

An Act *to explain and amend Act No. X. of* 1851 *and Act No. XX. of* 1841.

Whereas doubts exist as to the limits within which certificates of administration to personal estates granted in pursuance of Section IV. Act. X. of 1851, by the British representative accredited to a foreign State, or by the British Officer holding the highest executive authority in a district to which Act XX. of 1841 does not extend are operative, and it is expedient to remove such doubts, and also to amend the provisions of the said Acts; It is enacted as follows:

I. Every such certificate of administration as aforesaid, which shall hereafter be granted, shall as regards the public securities of the East India Company, give authority to the person to whom the same shall be granted throughout the territories in the possession and under the Government of the East India Company, and have the same effect throughout the said territories as a certificate granted under the provisions of Act XX. of 1841, as amended by Act X. of 1851, has within the Presidency within which the same is granted.

II. No certificate granted under the provsions of Act XX. of 1841, as amended by Act X. of 1851, or under the provisions of Act X. of 1851, shall empower the person certified to negotiate any Government note or share of a Bank or any share of such security, or to receive any interest or dividend due thereon, or any share of such interest or dividend, unless the Government note or Bank share shall be specified in such certificate.

III. Any Judge, British representative or other British Officer authorized to grant a certificate may from time to time extend the same to any Government note or Bank share not orginally specified therein, and every such extension shall have the same effect as if the Government note or Bank share to which the certificate shall be extended had been orginally specified therein.

IV. Upon the extension of a certificate, security may be reqnired in the same manner as upon the original grant of a certificate.

ACT No. IX. OF 1854.

Passed by the Governor General of India in Council on the 17th February 1854.

AN ACT *relating to Appeals in the Civil Courts of the East India Company.*

WHEREAS every case in appeal ought to be determined upon the merits without regard to technical errors or defects ; It is enacted as follows :

No order or decision of any of the Civil Courts of the East India Company shall be reversed, altered or remanded on account of any error, defect or irregularity not productive of injury to either party.

THOMAS JONES, "CALCUTTA GAZETTE" OFFICE.

ACT No. X. OF 1854.

Passed by the Governor General of India in Council on the 24th February 1854.

AN ACT *for regulating the Powers of Assistants to Magistrates and of Deputy Magistrates appointed under Act XV. of* 1843.

WHEREAS Assistants to Magistrates and also Deputy Magistrates appointed under Act XV. of 1843 to exercise the powers of a Covenanted Assistant, under Regulations XIII. of 1797, IX. of 1807, or III. of 1821, are not competent to decide any cases but such as are referred to them by the Magistrate, and whereas this restriction is attended with practical inconvenience to complainants in petty criminal cases; It is enacted as follows:

I. It shall be competent to the local Government of each of the divisions of the Bengal Presidency, to empower Assistants to Magistrates and also Deputy Magistrates appointed as aforesaid, to receive and try, without reference by the Magistrate, all or any of such charges as they are now competent to try upon reference by the Magistrate, subject to appeal from their decisions, according to the provisions of Section II., Act XXXI. of 1841.

II. Deputy Magistrates vested with special powers shall in each of the said divisions of the Bengal Presidency have the same powers to decide cases under Act IV. of 1840, as by Act XXVII. of 1845 are vested in Assistant Magistrates with special powers.

III. Magistrates or Joint Magistrates may at any time call from any of their Assistants, or from any Deputy Magistrate subordinate to them, any case pending before any such Assistant or any such Deputy Magistrate under the provisions of this Act, which for any reason the Magistrate, or Joint Magistrate may deem it proper to determine himself in the first instance.

THOMAS JONES, "CALCUTTA GAZETTE" OFFICE.

ACT No. XI. OF 1854.

Passed by the Governor General of India in Council on the 3rd March 1854.

AN ACT *to amend Act No. XXI. of* 1835 *and Act. No. XXII of* 1844, *and to authorize the issue of Half Pice.*

WHEREAS is has been deemed expedient, with reference to the convenience of the public, that Copper Coins to be called Half Pice should be issued; It is enacted as follows:

I. So much of Section I., Act No. XXI. of 1835, as enacts that the Copper Coins therein mentioned only shall be issued from any mint in the Presidency of Bengal, and so much of Section I., Act No. XXII. of 1844 as enacts that the Copper Coins therein mentioned only shall be issued from any mint within the territories of the East India Company, are repealed.

II. After the passing of this Act, Copper Coins to be called Half Pice may be issued from any of the mints in the territories under the Government of the East India Company.

III. A Half Pice shall weigh fifty grains troy, and shall be a legal tender in any part of the said territories for $\frac{1}{128}$ part of the Company's Rupee, but shall not be a legal tender except for fractions of a Rupee.

THOMAS JONES, "CALCUTTA GAZETTE" OFFICE.

ACT No. XII. OF 1854.

Passed by the Governor General of India in Council on the 10th March 1854.

AN ACT *for conferring Criminal Jurisdiction upon District Moonsiffs in the Presidency of Madras.*

WHEREAS the administration of justice in the Presidency of Madras will be promoted by vesting District Moonsiffs with jurisdiction in criminal cases; It is enacted as follows:—

I. It shall be competent to the Governor in Council of Fort St. George, by an order in writing, to empower one or more of the District Moonsiffs, in any Zillah of the said Presidency, to hear and determine complaints or prosecutions for petty offences and for petty thefts, as defined in Sections XXXII. and XXXIII. of Regulation IX. of 1816, and for petty offences of the description specified in Clause 1, Section VIII., Regulation XIII. of 1832, and to inflict upon the offenders the punishments which Magistrates are authorized to inflict for the same offences by the said Sections of Regulation IX. of 1816, and by Clause 2, Section VIII., Regulation XIII. of 1832.

II. In bringing criminal cases before a District Moonsiff for trial under this Act, the District Police shall be subject to the same laws and rules as are now applicable to them in bringing similar cases before a Magistrate.

III. Prisoners under trial by the District Moonsiffs under the provisions of this Act shall remain in the custody of the Police.

IV. All laws and rules now in force relating to the mode of procedure in such criminal cases in the Courts of the Magistrates, shall also apply to and regulate the mode of procedure in such criminal cases in the Courts of the District Moonsiffs.

V. Provided always, that in trials or investigations under this Act, the District Moonsiffs shall take down the complaint and defence as well as the oral evidence fully in writing, and shall receive all relevant and material documentary evidence, properly tendered, and file the same or a copy thereof, or such parts thereof as may be relevant.

VI. The

VI The powers vested in Sessions Judges by Section XXXVII., Act VII. of 1843, and the Regulations therein referred to, to review, alter and overrule the proceedings, orders and judgments passed by Sudder Ameens in criminal cases, shall extend to the proceedings, orders and judgments passed by the District Moonsiffs under this Act.

VII. It shall be competent to the Governor in Council, when he shall empower one or more of the Distrct Moonsiffs in any Zillah to exercise criminal jurisdiction under this Act, to order at the same time that the provisions of Clauses 2, 3 and 4, Section IV., Regulation IV. of 1821, and of Act XXXIII. of 1837, shall cease to have any operation in that Zillah, or in the parts of it in which such criminal jurisdiction is to be exercised by a District Moonsiff.

THOMAS JONES, "CALCUTTA GAZETTE" OFFICE.

ACT No. XIII. OF 1854.

Passed by the Governor General of India in Council on the 7th April 1854.

AN ACT *to repeal Act No. VI. of* 1852, *and to make provision for defraying the cost of the Light-House on Pedra Branca, and for maintaining the same, and also a Floating Light established in the Straits of Malacca, to the West of Singapore, and for the establishment and maintenance of such further Lights in or near to the said Straits as may be deemed expedient.*

WHEREAS it was deemed desirable, for the safety and guidance of Ships navigating the China Seas, to build a Light-House on the Island Rock called Pedra Branca, situate at the Eastern entrance of the Straits of Singapore; and whereas certain sums of money were subscribed by private individuals for that purpose, but the same were insufficient to defray the expense of building such Light-House; and whereas the East India Company agreed to build such Light-House, and to advance certain sums of money to complete the same on condition that the said sums of money should be repaid to them by the levy of certain tolls; and whereas, since the passing of Act No. VI. 1852, a Floating Light has been established by the East India Company in the Straits of Malacca to the West of Singapore, at a place called the 2½-fathom bank, and it may hereafter be deemed expedient to establish and maintain other lights or beacons in or near to the said Straits, for the safety and guidance of Ships navigating the same; and whereas many Ships which derive the benefit of the Horsburgh Light and the said Floating Light established aforesaid, do not contribute to the expense thereof, and it is just and reasonable that they should be liable so to do; It is enacted as follows:

I. Act No. VI. 1852 is hereby repealed, except so far as it relates to any Act already done under the same, or to any toll now due under the provisions thereof, or to any proceedings already adopted, or hereafter to be adopted, for the recovery of any such toll.

II. The Light-House on Pedra Branca aforesaid shall continue to be called "The Horsburgh Light-House," and the said Light-House, and the appurtenances

appurtenances thereunto belonging or occupied for the purposes thereof, and all the fixtures, apparatus and furniture belonging thereto, shall remain the property of, and be absolutely vested in, the East India Company and their successors.

III. The light maintained at the Horsburgh Light-House, and the said Floating Light established as aforesaid, and such other light or lights as shall be established by the East India Company in lieu of such Floating Light, or in addition thereto, in or near to the Straits of Malacca or Singapore, shall be called "The Straits' Lights."

IV. If, after the passing of this Act, any Ship, of the burden of fifty tons or upwards, shall depart from, or enter any port, harbour or roadstead in the possession or under the Government of the East India Company, upon, or during, or at the termination of any voyage, in the ordinary course of which she would pass any of the said lights, a toll shall be paid in respect of such Ship, except in the cases hereinafter mentioned at the rates following, that is to say—

1. If the voyage be one in the ordinary course whereof such Ship would pass the whole of the said lights, at the rate of one anna for every ton of her burden.

2. If the voyage be one in the ordinary course of which she would pass any one or more of the said lights, but not all of them, at the rate of half an anna for every ton of her burden. Provided that such toll shall not be payable at any such port or place, if such toll shall have been paid at the same or any other port or place under the Government of the East India Company in respect of the same voyage, and a proper voucher for such payment shall be produced, or other satisfactory proof of such payment given. Provided also that no toll shall be payable under this Act on account of any Ship in respect of any voyage for which toll hath been already paid or become payable under the said Act No. VI. 1852, or during the period covered by such payment.

V. The return of a Ship from any port or place shall be deemed a distinct voyage within the meaning of this Act, notwithstanding toll shall have been paid in respect of her voyage to such port or place, and notwithstanding the terms of any Charter-party.

VI. All Ships of War, belonging to Her Majesty, or to any Foreign Government or State, and all Ships belonging to the East India Company shall be exempt from the payment of such toll.

VII. And

VII. And whereas there are certain Vessels of small burden, called Straits' traders, which are engaged in the trade carried on between different ports and places, within or near to the said Straits, and it is just and reasonable, that such Vessels should not be charged full toll in respect of any voyage in the course of such trade. It is therefore enacted, that in respect of any voyage which shall be made by any such Vessel in the course of such trade, toll shall be paid at only one-half of the rate at which it shall be payable in other cases under this Act.

VIII. The management and control of the said "Horsburgh Light House," and of the said Sraits' Lights, are hereby vested in the Governor of the Straits' Settlements.

IX. The said Governor may appoint any person he may think fit, to be a collector of the tolls payable under this Act, at any port, harbour, or place under his Government.

X. The Funds raised by the tolls payable under this Act shall be applicable in the first place to defray the necessary expenses of maintaining and keeping up the said Light-House and the said Straits' Lights, and the establishment and maintenance of such other lights as aforesaid, as the Governor General of India in Council may think fit to establish and maintain, and all necessary expenses incidental thereto, and the surplus thereof shall from time to time, be applied in liquidation of the moneys advanced by the East India Company towards the erection and completion of the said Light-House, and the apparatus and furniture thereof.

XI. The toll to be levied under this Act shall become due and be payable in respect of any Ship clearing out or departing from any port, harbour or roadstead, in the possession or under the Government of the East India Company, upon any such voyage as aforesaid, previously to the granting of any Port-Clearance for such Ship, or in the event of her not requiring a Port-Clearance, on her preparing to leave such port, harbour or roadstead on such voyage; and in respect of any Ship entering any such port, harbour or roadstead as aforesaid, upon or during, or at the termination of any such voyage from any port or place not under the Government of the East India Company, the toll shall be payable immediately upon her entering such port, harbour or roadstead.

XII. The Collector or other Chief Officer of Customs at any port, harbour or place in the possession, or under the Government of the East India Company, or any other Officer, whom the Government to which such port, harbour

harbour or place is subordinate, may appoint to receive the tolls above-mentioned, shall collect the same by himself, or by any Officer, in his establishment whom he shall appoint. The Officer to whom any such toll shall be paid, shall grant to the person paying the same a proper voucher in writing, under his hand, describing the name of his office, and the port or place at which such payment shall be made, the name, tonnage and other proper description of the Ship, and the voyage in respect of which such toll shall be paid.

XIII. The Officer of Government, whose duty it shall be to grant a Port-Clearance for any Ship clearing out of, or leaving any such port, harbour or place under the Government of the East India Company, shall not grant such Port-clearance to any Ship until the Owner or Agent of such Ship, or the Master or other person in command thereof, shall pay all tolls to which such Ship shall be liable under this Act, or produce a proper voucher for, or give satisfactory proof of the payment of such tolls at the same or some other port or place. If any Master or Owner, or other person having the charge of any Ship liable to the payment of any tolls under this Act, shall refuse or neglect to pay the amount thereof to the person authorized to collect, or receive the same, such person may distrain or cause to be distrained, any goods, or merchandize, to whomsoever the same may belong, on board such Ship, and any tackle, apparel or furniture belonging to such Ship, and may remove the same, or cause the same to be removed, to some convenient place, leaving on board such Ship notice, in writing, of such distress and of the cause thereof, and of the place of removal, if such tolls, together with the costs of such distress and removal, shall not be paid within three whole days after the seizure, exclusive of the day of such seizure, the person authorized to collect or receive such tolls may cause the goods, merchandize, tackle, apparel and furniture so seized, to be sold, and out of the proceeds of such sale shall pay the amount of the tolls to which such Ship may be liable under this Act, together with the reasonable costs of such seizure, detention, and sale, rendering to the Master or Owner, or other person having the command of such Vessel, the over-plus, if any, on demand.

XIV. Notwithstanding any thing in this Act contained, the person authorized to collect the said tolls at any such port, harbour or place aforesaid, may, in his own name, sue for and recover, on behalf of the East India Company, the amount of any tolls payable to him under this Act, by action in any of the Civil Courts of Her Majesty or of the East India Company against the Owner or Master, or other person, who, at the time of such toll becoming due, shall have the command of any Ship liable thereto.

XV. In

XV. In order to ascertain the burden of any Ship liable to pay toll under this Act, the person authorized to collect such toll may require the Owner, Master or other person in command of such Ship, or any person having possession of the same, to produce the register of such Ship for the inspection of such person, if the Ship shall be a British registered Ship or a Ship registered in any part of the territories of the East India Company, and upon the refusal or neglect of any such Owner, Master or other person to produce such register, or if such Ship shall not be a Ship registered as aforesaid upon the refusal or neglect of such Owner or Master to satisfy the person authorized to collect such tolls as to what is the true burden of the Ship, it shall be lawful for such person to cause such Ship to be measured at the expense of the Master thereof, and such expense shall be receivable in the same manner as tolls payable under this Act or it shall he lawful for such person to deliver to such Master, Owner or other person in command of the Ship, or in the possession thereof, or to leave for him on board such Ship a notice in writing, specifying what, in his judgment, is the burden of the Ship, and the burden specified in such notice shall be deemed to be the real burden of the Ship and be treated as such for all the purposes of this Act, until the Owner, Master or other person having the command of the Ship shall give sufficient proof of the true burden thereof.

XVI. The Master of any Ship which shall depart from or enter any such port, harbour or roadstead as aforesaid, upon, or in the course of, or at the termination of any voyage, shall, upon demand by any person authorized to collect or receive tolls under this Act, specify upon what voyage he is bound, and if any Master of any such Ship, shall refuse or neglect so to do, or shall give a false statement, or shall endeavour to evade the payment of any tolls payable under this Act, or shall obstruct any Officer of Government in the discharge of his duty under this Act, he shall be punishable by a Magistrate in a summary manner by a fine not exceeding two hundred rupees.

XVII. If any dispute shall arise respecting the liability of any Ship, to the payment of toll under this Act, or in respect of the burden of any Ship, or the amount of toll payable, or the amount of any charges on account of any distress, removal or sale under this Act; such dispute shall be heard and determined by a Magistrate in a summary manner, and the decision of such Magistrate shall be final.

XVIII. The Governor General of India in Council may, from time to time, as he may think fit, reduce the tolls payable under this Act, in respect of all vessels or of any particular class or classes of vessels, and again raise the same to any amount not exceeding the amounts above specified.

XIX. The

XIX. The word "Ship" throughout this Act shall be held to mean and include a Schooner, Cutter, Brig, Brigantine, Barque, Steam-vessel and any square-rigged Vessel. The word "Master" shall mean any person having the Command of a Ship.

The word "Magistrate" shall be deemed to include a Joint Magistrate and any person lawfully exercising the powers of Magistrate, and a Justice of the Peace.

THOS. JONES, "CALCUTTA GAZETTE OFFICE.

ACT No. XIV. OF 1854.

Fort William, the 15th April 1854.

THE following Act is brought up before the Legislative Council this day. The Governor General of India in Council being desirous that no time should be lost in passing the Act, Resolved:—That the rule requiring, that no draft of a law shall be ordered to be published till at least one week shall have elapsed from the day on which it was first laid before the Council of India in its Legislative Department, and that the Rules requiring that all Acts of the Governor General of India in Council shall be brought up for second reading in two months, or in three months from the date of the first reading be suspended in respect to the following proposed Act, and that it be at once passed into law.

An Act to continue the operation of Act No. XIX. of 1845 *until the* 30*th day of April* 1855.

WHEREAS Act No. XIX. of 1845 entituled An Act for incorporating the Assam Company will cease to have effect after the 30th day of April 1854, and it is expedient that some temporary arrangement should be effected to prevent inconvenience to the interests of the Company by the expiry of its Charter before the necessary inquiries connected with a proposition for the renewal and extension of the Charter for a lengthened period can be completed; It is enacted as follows:

I. Act No. XIX. of 1845 shall continue to be in force until the 30th day of April 1855.

THOS. JONES, "CALCUTTA GAZETTE OFFICE.

BENGAL SECRETARIAT LIBRARY

ACT No. XV. OF 1854.

PASSED BY THE LEGISLATIVE COUNCIL OF INDIA.

(Received the assent of the Governor General on the 21st July 1854.)

AN ACT *to facilitate the proceedings of the Commissioners appointed to inquire into certain matters connected with the position of Sir James Brooke, Her Majesty's Commissioner and Consul General in Borneo.*

WHEREAS the Governor General of India in Council has, by a Commission bearing date the seventh day of July, in the year of our Lord One thousand Eight hundred and Fifty-four, nominated and appointed Charles Robert Prinsep, Esq., Barrister-at-Law and Advocate-General of Fort William in Bengal, and the Hon'ble Humphrey Bohun Devereux in the Civil Service of the East India Company on their Bengal Establishment, to inquire into certain matters connected with and arising out of the position of Sir James Brooke, Her Majesty's Commissioner and Consul General in Borneo ; and whereas it is expedient that the Commissioners aforesaid should be invested with certain legal powers within the territories in the possession and under the Government of the East India Company, It is enacted as follows :—

Commissioners to be sworn.

I. Each of the said Commissioners shall, before beginning to act in the execution of the Commission aforesaid, take and subscribe, before one of the Judges of Her Majesty's Supreme Court of Judicature, at Fort William in Bengal, the following oath, that is to say :—

"I do swear, that I will truly and faithfully, according to the best of my knowledge and judgment, execute the powers and trusts vested in me by the Governor General of India in Council, by a Commission bearing date the Seventh day of July, in the year of our Lord One thousand Eight hundred and Fifty-four, and by Act No. XV. of 1854. So help me God."

And the Judge of the Supreme Court before whom such oath shall be taken, shall transmit the same to the Secretary to the Government of India in the Foreign Department, to be filed among the records of his office.

II. It

II. It shall be lawful for the Commissioners aforesaid, by a summons under their hands, or under the hand of either of them, to require the attendance before them, at a time and place to be mentioned in such summons, of any person or persons whomsoever, residing or being within the Jurisdiction of the Court of Judicature of the Settlement of Prince of Wales' Island, Singapore and Malacca, whose evidence shall, in the judgment of the Commissioners aforesaid, be material to any of the matters directed by the Governor General of India in Council to be inquired of, and to require the person or persons so summoned to bring and produce before them all such books, papers, deeds and writings, as to them, the said Commissioners, shall appear necessary for arriving at the truth of the matters directed to be enquired into by the said Commissioners, all which persons shall accordingly attend the said Commissioners and shall produce such books, papers, deeds and writings as shall be required of them and shall be in their custody and control, or in the custody and control of any one of them, according to the tenor of the summons. Provided always that no person shall be compellable to answer any question or to produce any book, paper, deed or writing, the answer to which, or the production of which, may criminate or tend to criminate such person, or to expose such person to any pains or penalties.

To summon witnesses, &c.

III. And whereas it may appear to the Commissioners aforesaid desirable to examine as witnesses several persons touching the matters directed to be inquired into, the evidence of which persons may tend to expose them to penal consequences, every person who shall be examined as a witness and give evidence before the Commissioners aforesaid touching the matters in question, and who shall, upon such examination, make a true discovery to the best of his knowledge touching all matters to which he or she shall be so examined, shall be freed from all penal actions, forfeitures, punishments, disabilities and incapacities and all criminal prosecutions to which he or she may have been, or may become, liable or subject within any part of the said territories in the possession and under the Government of the East India Company for anything done by such person in respect of any acts relating to which he shall be examined. Provided that where any witness shall be so examined as aforesaid, such witness shall not be indemnified under this Act, unless or until he or she shall receive from the Commissioners aforesaid, under their hands, a certificate in writing, stating that

Witnesses indemnified.

that such witness has upon his or her examination made a true disclosure touching all matters to which he or she has been so examined.

Power to administer an oath, &c.

IV. It shall be lawful for the Commissioners aforesaid, or one of them, to administer an oath, or in the case of persons allowed by law to make affirmation instead of taking an oath, an affirmation, in such form as to them, the said Commissioners, shall seem fit, to all persons who shall be examined before them touching the matters directed, or which may be directed to be inquired into, by them as aforesaid.

Witnesses refusing to attend or answer.

V. If any person, upon whom any such summons shall be served by the delivery thereof to him or her, or by the leaving thereof at his or her usual place of abode, being a person subject to the Court of Judicature of the Settlement of Prince of Wales' Island, Singapore or Malacca, shall, without reasonable cause (to be allowed by the Commissioners aforesaid,) fail to appear before them at the time and place mentioned in the summons, or shall refuse to be sworn or to make affirmation (as the case may be,) or shall not make answer to such questions as shall be put to him or her touching the matters directed, or which may hereafter be directed to be inquired into by the Commissioners aforesaid, or shall refuse or fail, without reasonable cause (to be allowed by the Commissioners aforesaid,) to produce and show to the said Commissioners any such paper, book, deed or writing being in their possession or under their control, as to the Commissioners aforesaid shall appear necessary for arriving at the truth of the matters directed to be inquired into by them, the Commissioners aforesaid shall have the same powers in all respects touching any such person so failing to appear, or refusing to be sworn or to make affirmation, or not answering such questions as shall be put to him or her, or refusing to produce and show any such book, paper, deed or writing as aforesaid, as the Court of Judicature of the Settlement of Prince of Wales' Island, Singapore and Malacca may by law exercise against any person for making default of appearance, or for refusing to be sworn or to give evidence on any issue joined in any action depending in such Court.

Penalty for false evidence.

VI. Every person, who, upon examination upon oath, or affirmation before the Commissioners aforesaid, shall wilfully give false evidence, shall be liable to the pains and penalties of perjury.

VII. No

VII. No action shall be brought against the Commissioners aforesaid, or any other person or persons whomsoever, for anything done in the execution of this Act, unless such action shall be brought within six calendar months next after the doing of such thing.

Limitation of actions.

VIII. In case of the death or resignation of either of the said Commissioners, or in the event of either of them becoming incapable of acting, it shall be lawful for the other Commissioner to act alone; and every part of this Act shall be deemed to apply to such Commissioner as if he alone had been mentioned herein.

In what cases one Commissioner may act.

ACT No. XVI. OF 1854.

PASSED BY THE LEGISLATIVE COUNCIL OF INDIA.

(Received the assent of the Governor General on the 28th July, 1854.)

AN ACT *to amend Regulation XI. of* 1831 *of the Bengal Code.*

WHEREAS the provisions of Section III. and Section VII. of Regulation XI. 1831, have been found inconvenient, and whereas it is expedient that Regulation XI. 1831, as amended by this Act, should be extended to the whole of the Provinces of Benares; It is enacted as follows :—

Sections III. and VII., Regulation XI. 1831, repealed.

I. Sections III. and VII., Regulation XI. 1831 of the Bengal Code are hereby repealed.

Darogahs of Police to be subject to Tehseeldars.

II. Wherever any Tehseeldar shall have Police jurisdiction under the provisions of Section II. of the said Regulation XI. 1831, every Darogah of Police hereafter appointed within the local limits of the Police jurisdiction of such Tehseeldar, shall be subordinate to, and subject to the control of such Tehseeldar, in his capacity of Chief Police Thannadar.

Regulation XI. 1831, as amended, extended to Benares.

III. Regulation XI. 1831, as amended by this Act, shall extend to the whole of the Province of Benares, and all powers vested by the said Regulation in the Governor General in Council, may be exercised by the Lieutenant-Governor of the North-Western Provinces.

ACT No. XVII. of 1854.

PASSED BY THE LEGISLATIVE COUNCIL OF INDIA.

(Received the assent of the Governor General on the 12th of August 1854.)

AN ACT *for the management of the Post Office, for the regulation of the duties of Postage, and for the punishment of offentes against the Post Office.*

Repeal of former Acts.

I. Act No. XVII. of 1837, Act No. XX. of 1838, and Act No. XVII. of 1839 are hereby repealed, except so far as they repeal the whole, or any part of any other Act or Regulation, and except as to any act or offence which shall have been done or committed, or to any money which shall have become due, or to any fine or penalty which shall have been incurred, or to any proceedings which shall have been commenced, before this Act shall come into operation.

Exclusive privilege of carrying letters vested in the East India Company.

II. Wheresoever, within the territories under the Government of the East India Company, posts or post communications are, or shall be established by the East India Company, the said East India Company shall have the exclusive privilege of conveying by post, from one place to another, all letters other than letters conveyed by Her Majesty's mails, except in the following cases, and shall also have the exclusive privilege of performing all the incidental services of receiving, collecting, sending, dispatching, and delivering all letters, except in the following cases, that is to say:

1. Letters sent by a private friend in his way, journey, or travel, so as such letters be delivered by such friend to the person to whom they shall be directed, without hire, reward, or other profit or advantage, for receiving, carrying, or delivering the same.

2. Letters solely concerning the affairs of the sender or receiver thereof, sent by a messenger on purpose.

3. Letters solely concerning goods or other property sent either by sea or land, to be delivered with the goods or property which such letters concern, without hire, reward, or other profit or advantage, for receiving, carrying, or delivering such letters.

But

But nothing herein contained shall authorize any person to make a collection of such excepted letters for the purpose of sending them in the manner hereby authorized.

Prohibitions.

III. Wheresoever, within the said territories, posts or post communications are, or shall be established by the East India Company, the following persons are expressly forbidden to collect, carry, or deliver any letter or letters, or to receive any letter for the purpose of carrying or delivering the same, although they shall not receive hire or reward for so doing, that is to say:

1. Common carriers of passengers or goods, and their drivers, servants, or agents; except letters solely concerning goods in their carriages.

2. Owners and Commanders of ships, steam-boats, or other vessels passing on any river or canal, or to or from any port in the territories under the Government of the East India Company, and their servants or agents; except letters solely concerning goods on board.

Penalties for breach of privilege.

IV. Every person who shall convey otherwise than by the post a letter not excepted from the said exclusive privilege shall, for every letter so conveyed, forfeit a sum not exceeding fifty rupees; and every person who shall be in the practice of so conveying letters not so excepted shall, for every week during which the practice shall be continued, forfeit a further sum not exceeding five hundred rupees; and every person who shall perform otherwise than by the post any services incidental to conveying letters from place to place, whether by receiving, taking up, ordering, collecting, carrying, or delivering a letter or letters not excepted from the said exclusive privilege, shall forfeit for every such letter a sum not exceeding fifty rupees; and every person who shall be in the practice of so performing any such incidental services shall, for every week during which the practice shall be continued, forfeit a further sum not exceeding five hundred rupees; and every person who shall send a letter not excepted from the said exclusive privilege otherwise than by the post, or shall either tender or deliver a letter not so excepted in order to be sent otherwise than by the post, shall forfeit for every such letter a sum not exceeding fifty rupees; and every person who shall be in the practice of committing any of the acts last mentioned shall, for every week during which the practice shall be continued, forfeit a further sum not exceeding five hundred rupees; and every person who shall make a collection of excepted letters for the purpose of sending them otherwise

otherwise than by the post, shall forfeit for every such letter a sum not exceeding fifty rupees; and every person who shall be in the practice of making a collection of excepted letters for such purpose shall forfeit, for every week during which the practice shall continue, a further sum not exceeding five hundred rupees. Every person who shall carry, receive, or deliver a letter, or collect letters contrary to the provisions of Section III. of this Act, shall forfeit for every such letter a sum not exceeding fifty rupees; and every person who shall be in the practice of committing any of the acts last mentioned shall, for every week during which the practice shall be continued, forfeit a further sum not exceeding five hundred rupees.

Appointment of Officers.

V. For carrying on the service of the Post Office, it shall he lawful for the Governor General of India in Council to appoint, or to authorize the local Governments to appoint, such Officer or Officers, with such official styles or designations, and to vest them with, and delegate to them, such powers not inconsistent with the provisions of this Act, as the said Governor General of India in Council may deem expedient.

Postage rates on letters.

VI. Wheresoever posts or post communications are, or shall be established by the East India Company, postage, if pre-paid by a stamp or stamps, as hereinafter provided, shall be charged by weight on letters transmitted by the letter post by sea or land, or partly by sea and partly by land, according to the following scale:

On every letter not exceeding a quarter of a tolah in weight, six pies.

On every letter exceeding a quarter of a tolah, and not exceeding half a tolah in weight, one anna.

On every letter exceeding half a tolah, but not exceeding one tolah in weight, two annas.

On every letter exceeding one tolah, and not exceeding one tolah and a half in weight, three annas.

On every letter exceeding one tolah and a half, and not exceeding two tolahs in weight, four annas.

And for every tolah in weight above two tolahs, two additional annas; and every fraction of a tolah above two tolahs shall be charged as one additional tolah.

Every packet or other article transmitted by the letter post shall be deemed a letter within the meaning of this Section, unless it be a packet or other

other article on which a different rate of postage shall be chargeable under this Act.

The rates of postage specified in this and the following Section may be charged on all letters or other articles which shall pass through any Post Office, provided that such postage shall not be charged on letters or other articles received through Her Majesty's Mails, when such letters or articles are delivered at the place of receipt; nor on any letter or article transmitted by Her Majesty's Mails, when posted at the place of dispatch of such Mails; nor on any newspaper received by sea otherwise than through the East India Company's post and delivered at the place of receipt; nor on any newspaper posted for dispatch by sea otherwise than through the East India Company's post, when posted at the place of dispatch.

Postage rates on newspapers, &c.

VII. Wheresoever posts or post communications are, or shall be established by the East India Company, postage on newspapers, pamphlets, and other printed or engraved papers transmitted by the letter post by sea or land, or partly by sea and partly by land, shall be charged by weight according to the following scale:

On every imported newspaper, pamphlet, or other printed or engraved paper—

If the same shall not exceed six tolahs in weight, two annas.

If the same shall exceed six, but shall not exceed twelve tolahs in weight, four annas.

If the same shall exceed twelve tolahs in weight, there shall be charged and taken two additional annas for every six tolahs in weight above twelve tolahs; and every fraction of six tolahs above twelve tolahs shall be charged as six additional tolahs.

2. On every newspaper, pamphlet, or other printed or engraved paper not imported—

If the same shall not exceed three and a half tolahs in weight, two annas.

If the same shall exceed three and a half tolahs and not exceed six tolahs in weight, four annas.

If the same shall exceed six tolahs in weight, there shall be charged and taken two additional annas for every three tolahs in weight above six tolahs; and every fraction of three tolahs above six tolahs in weight shall be charged as three additional tolahs.

An

An extra or supplement to any newspaper, bearing the same date as the newspaper and transmitted therewith under the same cover, shall be deemed part of the newspaper.

Nothing contained in this Act shall be construed to oblige any person to send any newspaper, pamphlet, or other printed or engraved paper through the Post Office, but it shall be lawful for all persons to send the same in any other manner.

Newspapers, &c., how to be sent by post.

VIII. A newspaper, pamphlet, or other printed or engraved paper shall not be sent by the letter post at the rates prescribed in the preceding Section, unless the following conditions be observed, that is to say:

1. It shall be without a cover, or in a short cover open at both ends.

2. There shall be no word printed on such newspaper, pamphlet, or other printed or engraved paper after its publication, or upon the cover thereof, nor any writing or mark upon it or upon the cover of it, except the name and address of the person to whom it is sent, and the name and address of the sender.

3. There shall be no paper or thing enclosed in or with any such newspaper, pamphlet, or other printed or engraved paper.

When to be charged with letter postage.

IX. Any newspaper, pamphlet, or other printed or engraved paper sent by the letter post, in respect of which the above conditions shall not be observed, shall, together with any thing enclosed in or with the same, be charged with postage at the rate which would be charged on an unstamped letter of equal weight.

Proof sheets.

X. Proof sheets marked as such may be sent by the letter post at the rates prescribed for newspapers, provided the contents be correctly certified on the cover by the signature in full of the sender, otherwise the same shall be charged with postage at the rate which would be charged on an unstamped letter of equal weight.

Inland banghy postage.

XI. Inland banghy postage shall be charged by weight and distance, on parcels sent by the banghy post, according to the following scale:

For Distances.		If not exceeding in weight.													
		20 Tolahs.		100 Tolahs.		200 Tolahs.		300 Tolahs.		400 Tolahs.		500 Tolahs.		600 Tolahs	
	Miles.	Rs.	As.	Rs.	As.	Rs.	As.	Rs.	As.	Rs	As.	Rs.	As.	Rs.	As
Not exceeding	100	0	2	0	4	0	8	0	12	1	0	1	4	1	8
Not exceeding	300	0	6	0	12	1	8	2	4	3	0	3	12	4	8
Not exceeding	600	0	12	1	8	3	0	4	8	6	0	7	8	9	0
Not exceeding	900	1	2	2	4	4	8	6	12	9	0	11	4	13	8
Not exceeding	1200	1	8	3	0	6	0	9	0	12	0	15	0	18	0
Exceeding	1200	1	14	3	12	7	8	11	4	15	0	18	12	22	8

Provided that several letters shall not be enclosed in a banghy parcel under a penalty not exceeding fifty rupees, and letter postage shall be chargeable on every letter contained therein.

Books, pamphlets, &c

XII. Books, pamphlets, packets of newspapers, and of printed or engraved papers other than newspapers, provided they do not exceed one hundred and twenty tolahs in weight, and be sent without covers, or packed in short covers open at both ends, and provided the postage thereon be pre-paid by means of a proper stamp or stamps to be affixed thereon as hereinafter provided, shall, if sent by the banghy post, or by sea as banghy parcels, or partly by the banghy post and partly by sea, be charged with the following rates of postage, withoutreference to the distance to which they may be carried:

If not exceeding twenty tolahs in weight, one anna.

If exceeding twenty tolahs, but not exceeding forty tolahs in weight, two annas.

And for every twenty tolahs in weight above forty tolahs, there shall be charged and taken one additional anna; and every fraction of twenty tolahs above forty tolahs shall be charged as twenty additional tolahs.

If any such book, pamphlet, or packet exceed one hundred and twenty tolahs, or if the postage chargeable thereon be not pre-paid as aforesaid, it shall be subject to the rate of postage prescribed for banghy parcels in the preceding Section of this Act.

XIII. Banghy

XIII. Banghy postage, when chargeable by distance under Section XI., shall be calculated and charged according to a Polymetrical Table of distances, showing, as accurately as practicable, the distance by the nearest road between every two Post Office Stations in India, which Table shall be prepared by order of the Governor General of India in Council, and corrected from time to time as need be. Each Post Master General shall prepare from the aforesaid Polymetrical Table, in the English and Vernacular languages, for the use of every Post Office under his control, a list of all the other Post Offices of India, arranged alphabetically, and showing the distance of each of them from the Post Office for the use of which it is made; and such list shall be affixed in some conspicuous place in such Post Office.

Table of distances.

XIV. Where there is a banghy post established on any line of road, no letter or other article exceeding twelve tolahs in weight shall be conveyed by the letter post on that line of road, except in such cases, and under such restrictions as the Governor General of India in Council may direct; and every letter or other article not exceeding twelve tolahs in weight shall be conveyed by the letter post, unless expressly directed to be sent by the banghy post.

Limitation of weight of letters where there is a banghy post.

XV. Where there is no banghy post established on any line of road, letters, parcels, and packets exceeding twelve tolahs, and not exceeding forty tolahs in weight, shall be received and transmitted by the letter post. Letters shall be charged according to the scale in Section VI., and newspapers, pamphlets, and other printed or engraved papers according to the scale in Section VII. of this Act, as the case may be; parcels and packets shall be charged with banghy postage according to the scale in Section XI. or Section XII. of this Act, as the case may be, if it be certified in writing on such parcel or packet, under the full signature and address of the sender, that it does not contain any letter or other written communication, or any newspaper, pamphlet, or other printed or engraved paper. If any such certificate be false, any such thing contained in such certified letter or other article shall be charged with postage according to the rates specified in Section VI. or Section VII. of this Act as if sent separately, and the sender will be subject to

Where there is no banghy post.

Letters and other articles exceeding twelve tolahs, but not exceeding forty tolahs.

Certificate.

Parcels exceeding forty tolahs.

to the penalty hereinafter provided. Parcels exceeding forty tolahs, and not exceeding six hundred tolahs in weight, shall be transmitted along any such line as banghy parcels; but it shall be in the discretion of the Post Master or Deputy Post Master, to whom such parcels are brought for dispatch, to forward them at such times and in such manner as may be convenient.

Where banghy parcels and letter mails are conveyed in the same carriage.

XVI. Whenever the Post Master General of any Presidency shall have notified in the official *Gazette*, that the banghy post is conveyed in the same carriage with the letter post along any line of road, it shall not be lawful to send by the banghy post any letter or written communication of less weight than twelve tolahs, or any packet of newspapers; and every person who shall knowingly send by the banghy post, along any such line of road, any such letter, written communication, or newspaper enclosed in a parcel, shall forfeit for every such offence a sum not exceeding fifty rupees, and postage shall be charged for every such letter, packet, or newspaper, as if sent separately by the letter post.

Ship postage on parcels.

XVII. On all parcels chargeable under Section XI. with banghy postage according to distance when conveyed by land, ship postage shall be charged when they are conveyed by means of the East India Company's post by sea according to the following scale, *viz.*:

On every parcel not exceeding one hundred tolahs in weight, eight annas.

And for every hundred tolahs in weight above one hundred tolahs, eight additional annas; and every fraction of one hundred tolahs above one hundred tolahs shall be charged as one hundred additional tolahs; and if such parcel be conveyed by the East India Company's post, partly by banghy and partly by sea, ship postage shall be charged in addition to inland banghy postage.

Limitation of weight and dimensions of parcels.

XVIII. No parcel exceeding six hundred tolahs in weight, or three feet in length, or one foot in breadth, or one foot in depth, or two thousand five hundred and ninety-two cubic inches in bulk, shall be received at any Post Office for dispatch either by ship or steamboat, or by banghy post, except in such cases and under such restrictions as the Governor General of India in Council shall direct.

On

On parcels exceeding six hundred tolahs in weight, when so forwarded, there shall be charged and taken an additional single rate of banghy postage according to distance for every hundred tolahs above six hundred tolahs; and every fraction of one hundred tolahs above six hundred tolahs shall be charged as one hundred additional tolahs.

Ship and inland postage on foreign covers must be prepaid.

XIX. Letters and newspapers posted for dispatch, either by Her Majesty's Mails or otherwise to Ceylon, or to any place to which a post communication shall not have been established by the East India Company, upon which the full amount of postage chargeable under this Act has not been pre-paid by a postage stamp or stamps, shall not be dispatched, but shall be dealt with as unclaimed letters are hereinafter directed to be dealt with. No parcel shall be received for dispatch as above to any such place, unless the full amount of postage chargeable thereon shall be pre-paid in money or by a postage stamp or stamps. Provided that nothing in this Section shall be construed to require the pre-payment of British postage on letters, parcels, or other articles, upon which the pre-payment of such postage has been left optional by Her Majesty's Post Master General.

Postage on letters, &c., not pre-paid.

XX. Subject to any alteration which may be made by virtue of the power hereinafter vested in the Governor General of India in Council, letters posted for dispatch, either by sea or land, to any place to which a post communication is, or shall be established by the East India Company, upon which the postage chargeable under Section VI. of this Act has not been pre-paid by a postage stamp or stamps, shall be forwarded to their destination, and upon every such letter double postage shall be charged on delivery. Newspapers, pamphlets, and other printed and engraved papers so posted, not pre-paid by a postage stamp or stamps, shall be forwarded to their destination, and the postage chargeable on them shall be levied on delivery: but no money shall be received at any Post Office in pre-payment of postage on any letter, newspaper, pamphlet, or other printed or engraved paper so posted. On parcels so posted, the postage chargeable according to Section XI. or Section XVII. may be pre-paid in money or by a postage stamp or stamps: when not prepaid, they shall be forwarded to their destination, and the postage thereon shall be levied on delivery.

XXI. It

XXI. It shall be lawful for the Governor General of India in Council at any time to direct that all or any letters, packets, parcels, or other articles, shall not be forwarded by post, unless the postage thereof shall be pre-paid by means of a proper stamp or stamps; or that on all or any letters, packets, parcels, or other articles on which the postage shall not be pre-paid by a stamp or stamps, or otherwise, as the said Governor General in Council shall direct, there shall be charged such higher rates of postage as from time to time may be deemed expedient, not exceeding double the rates of postage hereinbefore specified.

Governor General in Council may direct pre-payment of postage in all cases.

XXII. If any letter be posted, having affixed thereto a postage stamp or stamps, the value of which shall be less than the rate of postage to which such letter would be liable if duly and properly stamped when posted, there shall be charged on such letter a postage of double the amount of the difference between the value of the stamp affixed thereto and the postage to which such letter would be liable as aforesaid if duly and properly stamped when posted. If any parcel, newspaper, pamphlet, or other printed or engraved paper shall be so posted, having affixed thereto any such stamp or stamps, the value of which shall be less than the rate of postage to which the same would be otherwise liable under this Act, there shall be charged thereon a postage equal to the amount of the difference between the value of the stamp or stamps affixed thereto and the postage to which such parcel, newspaper, pamphlet, or other printed or engraved paper shall be otherwise liable, as aforesaid.

Letters, &c., with insufficient stamps, how charged.

XXIII. On every letter or packet, which shall be re-directed and forwarded by the letter post, from any place to which it shall have been conveyed by the letter post, there shall be charged for the postage thereof from the place at which the same shall be re-directed, in addition to all other postage paid or due thereon, the rate of postage to which it would be liable, if posted and pre-paid by stamp at the place where it shall be re-directed.

Re-directed letters.

XXIV. No person shall knowingly post, or send, or tender, or deliver in order to be sent by the post, any letter, parcel, or packet containing any explosive or other dangerous material or substance; and any person contravening this prohibition shall forfeit for every such offence a sum not exceeding two hundred rupees.

No dangerous substance to be sent by post.

XXV. It

XXV. It shall be lawful for the Governor General of India in Council at any time to authorize the levy of postage at rates different from those prescribed in this Act, provided there be no increase made thereby in any particular of the rates so prescribed, except as provided in Section XXI. of this Act.

Governor General of India in Council may alter the rates of postage.

XXVI. No person having delivered into any Post Office any letter, parcel, or packet shall be entitled to recall the same; but nothing in this Section shall prevent the re-delivery of any such letter, parcel, or packet to the sender thereof, subject to such rules and regulations, if any, as the Governor General of India in Council may direct; but newspapers, pamphlets, or other printed or engraved papers may be so re-called or restored, provided that the person claiming the same shall satisfy the Officer in charge of the Post Office that he was the sender thereof, and provided the amount of postage which would have been due thereon, if the same had been forwarded, be paid.

Letters and packets once put into the Post Office.

XXVII. The postage charged on letters and packets by Her Majesty's Post Master General, under the name of Steamer or British packet postage, or by any other denomination, shall, after the rates of such postage have been published in the official *Gazette* of any Presidency, be recovered in the same manner as postage chargeable under this Act.

Steam postage.

XXVIII. All letters and other articles, having a stamp or stamps affixed thereto, (such stamp or stamps in every case being affixed on the outside and being equal in value to the rate or rates of postage to which such letters or other articles are liable under this Act,) shall, provided the stamp or stamps shall not have been used before, be considered as pre-paid.

Postage stamps.

XXIX. The Governor General of India in Council shall cause postage stamps to the provided, denoting such values as the said Governor General of India in Council may direct, and shall give such orders, and make such other regulations relative thereto, as may be deemed expedient.

How to be provided.

XXX. Postage stamps provided as aforesaid shall be under the care and management of such Officer or Officers as the Governor General of India in Council shall direct; and all sums of money realized by the sale of postage stamps shall be carried in the public accounts to the credit of the Post Office.

Postage stamps to be under management of any Officer to be appointed.

XXXI. The

XXXI. The Governor General of India in Council may make rules for the appointment and government of vendors of postage stamps, and thereby direct how and under what terms and conditions postage stamps may be supplied to them for sale; and whether any and what security shall be given by such vendors, and whether any and what remuneration or discount shall be allowed to them, and how and in what manner and at what time or times such vendors shall keep and render their accounts and pay over the proceeds of any sales made by them or re-deliver the stamps entrusted to them.

Vendors of postage stamps to be appointed.

XXXII. Government vendors of postage stamps shall be bound by such rules, and in case of any wilful breach thereof, shall be liable to a penalty not exceeding two hundred rupees, in addition to any other proceedings to which they may be liable.

Vendors to be bound by rules.

XXXIII. Any Government vendor of postage stamps, who shall be convicted of refusing or unnecessarily delaying, without reasonable excuse, to furnish postage stamps to any person desiring to purchase the same, and tendering in lawful currency the full value thereof, (the stamp vendor having in his possession for sale sufficient stamps of the description and value required,) shall be subject to a fine not exceeding one hundred rupees.

Penalty of vendor refusing to supply stamps.

XXXIV. Any Government vendor of postage stamps, convicted of taking from a purchaser a higher price than the value denoted on the stamps sold, shall be deemed guilty of extortion, and shall be punished, on conviction, with imprisonment, with or without hard labor, for any term not exceeding six months, or to a fine not exceeding one hundred rupees, and shall also be liable to refund to the purchaser the whole amount proved to have been taken in excess, which amount may be recovered by such purchaser before a Magistrate in the same manner as any penalty under this Act.

Penalty of vendor selling stamps for higher price than the value denoted thereby.

XXXV. Clause 1. If any person shall forge or counterfeit, or cause or procure to be forged or counterfeited, any die, plate, or other instrument used for the purpose of making postage stamps; or if any person shall forge or imitate, or cause to be forged or imitated, any postage stamp; or if any person shall knowingly, and without lawful excuse, (the proof of which excuse shall lie on the person accused,)

Penalties for forging stamps, &c.

accused,) have in his possession any false, forged, or counterfeited die, plate, or other instrument resembling, or intended to resemble, either wholly or in part, any die, plate, or instrument used for the purpose aforesaid; or if any person shall stamp or mark any paper or other substance with any such false, forged or counterfeit die, plate, or instrument as aforesaid; or if any person shall knowingly use, utter, sell, or expose for sale, or shall knowingly, and without lawful excuse, (the proof of which excuse shall lie on the person accused,) have in his possession any paper or other substance having thereon the impression of any such false, forged or counterfeit die, plate, or other instrument as aforesaid; or having thereon any counterfeit stamp resembling, or intended to resemble, or to be mistaken for a postage stamp, such person so offending, and every person knowingly aiding, abetting, or assisting such person in committing any such offence, shall be punished with imprisonment, with or without hard labor, for a term not exceeding seven years, and shall also be liable to fine.

Forged stamps may be seized.

Clause 2. Any Officer of Police may seize and transmit to the Magistrate any such forged or counterfeit die, plate, or other instrument, or any such forged or counterfeit postage stamp.

And searched for.

Clause 3. Any Officer of Police having power by law to search for stolen property may, subject to the provisions under which he is empowered to make such search, proceed to search houses or other places in which there may be reasonable cause to suspect that there is any such forged or counterfeit article, and shall seize and transmit to the Magistrate any such counterfeit article that may be found therein.

Penalties for evading postage stamp duties.

XXXVI. If any person shall fraudulently remove any postage stamp from any letter or other thing to which such stamp shall have been affixed; or if any person shall knowingly use any such stamp or stamps so fraudulently removed; or if any person shall fraudulently erase or remove, from any such stamp or stamps, any writing or other matter or thing thereon written or impressed, every person so offending shall forfeit a sum not exceeding two hundred rupees for every such offence.

XXXVII. The

Postage on unpaid letters, &c., to be paid by the receiver.

XXXVII. The person to whom any letter or other article, the postage of which has not been paid, shall be delivered, shall not be bound to pay the postage if he forthwith return the same unopened, but if he open the same, he shall be bound to pay the postage due thereon. If he forthwith return the same unopened, the sender of the letter or packet shall be bound to pay the postage thereof. If any person shall refuse to pay any postage which he is legally bound to pay for any letter or other article, the same may be recovered for the use of the East India Company by any Post Master General, or by any Officer in charge of a Post Office, by order of a Post Master General, in the same manner as a fine may be recovered under this Act; and it shall be lawful for the Officer in charge of any Post Office to withold from the person so refusing, until such postage be paid, any other letter or packet addressed to that person, not being superscribed as on the public service. Provided always, that if a letter or other article shall appear to the satisfaction of the Post Master of the Office of delivery to have been maliciously sent for the purpose of annoying the person to whom it is addressed, the Post Master of the delivery Office may remit the postage.

Registered letters.

XXXVIII. Any person posting a letter or other article shall be entitled to require that it shall be registered at the receiving Post Office, and that a receipt shall be granted for such registered letter or article, and it shall be lawful for the Governor General in Council to direct, that, in addition to any rates of postage payable under this Act, a fee not exceeding four annas shall be charged on any letter or other article which the sender thereof shall require to be so registered, and such registration fee shall be paid on the letter or other article being delivered at the Post Office.

Expresses.

XXXIX. It shall be lawful for the Governor General of India in Council to fix and order any rate of postage to be charged for the conveyance of letters or other articles by express, in addition to, or instead of any other rates of postage chargeable on such letters and articles under this Act.

Commanders of inward bound vessels carrying mails, how to proceed.

XL. When any vessel arrives by sea at any place within the territories under the government of the East India Company at which there is a Post Office, the Commander of such vessel shall, as speedily as possible, cause every letter and packet on board of such vessel, which is directed to that place, and not excepted from the exclusive privilege of the Post Office, to be delivered either at

at the Post Office or to some Officer of the Post Office authorized to receive the same; and if there be on board any letter or packet directed to any other place, and not excepted from the exclusive privilege aforesaid, the said Commander shall, as speedily as possible, report the same to the Post Master of the place at which he has arrived, and shall act according to the directions he may receive from such Post Master, and the receipt of such Post Master shall discharge such Commander from all responsibility in respect of such letter or packet. Every Commander of a vessel who shall wilfully disobey any of the directions contained in this Section, shall be punished with a fine not exceeding one thousand rupees.

Penalty.

XLI. Every person being either the Commander of a vessel inward-bound, or any one on board such vessel, who shall, within the said territories, knowingly have in his possession any letter not excepted from the privilege of the Post Office, after any part of the letters on board the said vessel shall have been sent to the Post Office, shall forfeit for every such letter a sum not exceeding fifty rupees, whether the letter be in the baggage or on the person of the offender or otherwise in his custody; and every such person who shall detain any such letter after demand made for the same by an Officer of the Post Office, shall forfeit for every such letter a sum not exceeding one hundred rupees.

Detention of letters on board prohibited.

XLII. For every letter delivered by the Commander of any ship in conformity with the directions of Section XL. of this Act, the Officer in charge of the Post Office shall pay to the said Commander the sum of one anna; and the sum of one anna shall be chargeable as postage on such letter in addition to any other postage chargeable thereon under this Act. Provided that no payment shall be made to the Commander of any vessel on account of the delivery of any letter, unless the claim of such Commander shall be preferred before the vessel leaves the place at which the letter was delivered, or before the expiration of two months from the date of the arrival of such vessel. Provided also, that nothing contained in Sections XL., XLI. and XLII. of this Act shall extend to any letter or packet conveyed by Her Majesty's Mails.

Bounty money.

XLIII. The Commander of every vessel leaving any place in the said territories by sea shall receive on board of such vessel every letter and packet which he shall be required so to receive by any Officer of the Post Office, and shall give a receipt for such letter or packet; and every Commander of a vessel who shall wilfully

Commanders of outward bound vessels to receive mails on board.

wilfully disobey any direction contained in this Section shall be punished with a fine not exceeding one thousand rupees.

Unclaimed letters, &c.

XLIV. Clause 1. A list of all letters, packets, and parcels posted and addressed to persons who cannot be found, shall be prepared daily in every Post Office and exposed for not less than two weeks in the most conspicuous part of such Office; and all such letters, packets, and parcels, which shall have remained three weeks unclaimed in any Office, shall, if the sender's name and address are written on the cover, be returned to the Posting Office to be delivered to the sender free of all charge; all letters, packets, and parcels, of which the sender's nam- and address cannot be ascertained, unless they be opened, shall, after remaining unclaimed for three weeks as above, be forwarded to the Office of the Post Master General of the Presidency.

To be opened, &c.

Clause 2. The Post Master General, or some person duly appointed for the purpose and bound to secrecy, shall immediately open all such letters, packets, or parcels, and if the address of the sender can be discovered, shall enclose them in dead letter covers and return them to the sender. All letters, packets, and parcels, of which neither the person addressed nor the sender can be found, shall, after they have remained unclaimed in the Office of the Post Master General for one year, be destroyed.

Money, &c., found therein.

Clause 3. All money found in any unclaimed letter, packet, or parcel shall be paid into the Public Treasury, and all other valuable property found as above shall be sold by the Post Master General of the Presidency, or by some one duly authorized by him for that purpose, and the proceeds of the sale shall be paid into the Public Treasury for the benefit of any person who may have a right thereto, after deducting all sums due from such person for postage.

Refused letters, &c.

XLV. Letters, parcels, or packets rejected unopened by the person to whom they are addressed shall be forthwith sent to the Office of the Post Master General of the Presidency, who shall open the letter, parcel, or packet, and take measures to recover the postage from the sender, or shall at his discretion destroy the letter, parcel, or packet; and all money, or other valuable property, which such letter, parcel, or packet may contain shall be

be disposed of in the manner prescribed in the preceding Section, with respect to such money or property contained in unclaimed letters.

Franking abolished.

XLVI. On and after the passing of this Act, the privilege of sending and receiving letters and packets by the post free of postage, whether official or otherwise, shall wholly cease; and all letters and packets, to which any such privilege now extends, shall henceforth be charged with the same rates of postage as any other letters sent by the post.

Letters on the public service duly certified as such, how to be charged.

Provided that letters and packets on the public service, certified to be such by the signature of any public Officer authorized in that behalf by the Governor General of India in Council, shall be forwarded by the post as if they were duly stamped, and the postage due thereon shall be charged to the several public departments, from which such letters or packets are sent, in such manner as the said Governor General of India in Council shall direct.

Penalty for false certificate.

XLVII. Every person who shall, for the purpose of defrauding the the Post Office Revenue, wilfully certify, by writing, on any official or other letter or packet delivered at any Post Office for conveyance by post, that which is not true in respect of such letter or packet, or in respect of the whole of its contents, or shall knowingly send or deliver, or attempt to send or deliver for conveyance by post, any letter or packet with any such false certificate thereon; and every person who shall knowingly send, or permit to be sent by post, under color or pretence of an official communication, any letter, paper, writing, or other enclosure of a private nature; and every person who shall aid, abet, or conceal any of the offences in this Section above-mentioned, shall, for every such offence, forfeit a sum not exceeding five hundred rupees.

Letters, &c., suspected to contain contraband articles, or writing in contravention of this Act, how to be dealt with.

XLVIII. If any Officer in charge of a Post Office shall suspect that any letter, parcel, or packet, lying for delivery at his Office, contains any contraband article, or any article on which duty is owing to Government, or that any letter, parcel, or packet lying for delivery at the Post Office, contains any writing or enclosure in contravention of the provisions of Sections VIII., XV., XVI., or XLVII. of this Act, it shall be lawful for such Officer to summon the person to whom the letter, parcel, or packet is directed, to attend at the Post Office by himself or agent within forty-eight hours after the arrival thereof at that Post Office, and to open the same in the

the presence of the person to whom it is directed, or of that person's agent, and if that person shall not so attend by himself or agent, then to open it in the absence of that person. Provided that if the Officer in charge be under the rank of a Post Master, he shall call in two respectable persons as witnesses before he shall open a letter, parcel, or packet in the absence of the person to whom it is addressed. Provided also, that in all cases, the opened letter, parcel, or packet shall be subsequently delivered to the person to whom it is addressed, unless it be required for ulterior proceedings, and that the opening of the same, and the circumstances connected therewith, shall be immediately reported to the Post Master General. It shall also be lawful for any Officer in charge of a Post Office to refuse to forward any parcel or packet through the Post Office by sea to any foreign port or to any place not on the continent of India, unless such parcel be accompanied by a Custom House Pass.

Government not responsible for loss.

XLIX. The Government shall not be responsible for any loss or damage which may occur in respect of anything entrusted to the Post Office for conveyance, and no person employed by the Government in the Post Office Department shall be responsible for any such loss or damage, unless that person shall cause such loss or damage negligently, maliciously, or fraudulently.

Penalty for secreting, opening, or making away with letters, &c., by persons employed in the Post Office.

L. Whoever being in the employ of the Government in the Post Office Department shall fraudulently secrete, make away with, or appropriate any letter, parcel, or packet which may have been entrusted to him, or anything contained in any such letter, parcel, or packet, or shall mutilate or break open any such letter, parcel, or packet, or any banghy parcel or box, with the intention of fraudulently appropriating anything therein contained, shall be punished with imprisonment, with or without hard labor, for a term not exceeding seven years, and shall also be liable to fine.

Penalty for detaining mails.

LI. It shall not be lawful for any person, unless acting by express order of the Government, to detain, except for a criminal offence, a Post Office messenger, whilst carrying the mails, or to detain any carriage or horse upon which the mails are being carried, or on any pretence to open a packet in transit from one Post Office to another; and every person who shall be guilty of any of the above-mentioned offences shall be punished with a fine not exceeding five hundred rupees.

LII. Every

Penalty for retaining letters, &c., delivered by mistake.

LII. Every person who shall fraudulently retain, or wilfully secrete, or make away with, or keep or detain, or, being required to deliver up by an Officer of the Post Office, shall neglect or refuse to deliver up a post letter or other article which ought to have been delivered to any other person, or a post letter bag containing a letter or other article or packet which shall have been sent by the post, shall be punished, on conviction before a Magistrate, with imprisonment, with or without hard labor, for a term not exceeding two years, and shall also be liable to fine.

Penalty for neglect on the part of persons employed to carry mails.

LIII. Every person employed to convey or deliver any post-bag, or any letter, parcel, or packet sent by post, who shall be guilty while so employed of any act of drunkenness, carelessness, or other misconduct, whereby the safety of any such bag or letter, parcel or packet shall be endangered; or who shall loiter or make delay in the conveyance or delivery of any such bag, letter, parcel, or packet; or who shall not use proper care and diligence safely to convey or deliver any such bag, letter, parcel, or packet, shall be liable to a fine not exceeding fifty rupees; and any person employed to deliver a letter, parcel, or packet sent by the post, who shall not duly deliver the same, shall, within a reasonable time, not exceeding twenty-four hours, report the fact at the Post Office where he received such letter, parcel, or packet, and return the same; and if any such person shall wilfully make a false report, he shall be liable to a fine not exceeding fifty rupees.

Penalty for embezzlement by persons employed in the Post Office.

LIV. Whoever being in the employ of the Government in the Post Office Department, and being entrusted to receive money for postage duty or any other public purpose, shall fraudulently appropriate the same, shall be punished, on conviction before a Magistrate, with imprisonment, with or without hard labor, for a term not exceeding two years, and shall also be liable to fine.

Penalty for fraudulently altering marks on letters, &c., by persons employed in the Post Office.

LV. Whoever being in such employ as is described in Section LIV., shall fraudulently put any wrong mark on any letter, parcel, or packet, or shall fraudulently alter, remove, or cause to disappear, any mark or stamp which is on any letter or packet, or shall fraudulently use or place with or upon any letter or packet any stamp which shall have been removed from any other letter or cover, or shall aid, abet, or conceal any of the above-named acts, shall be punished

punished, on conviction before a Magistrate, with imprisonment, with or without hard labor, for a term not exceeding two years, and shall also be be liable to fine.

Penalty for incorrectly preparing documents, or secreting documents by persons employed in the Post Office.

LVI. Whoever being in such employ as is described in Section LIV., and being entrusted with the preparing or keeping of any document, shall, with a fraudulent intention, prepare that document incorrectly or alter that document, or shall aid, abet, or conceal any of the above-named acts, or secrete or destroy that document, shall be punished, on conviction before a Magistrate, with imprisonment, with or without hard labor, for a term not exceeding two years, and shall also be liable to fine.

Penalty for sending letters without charging postage, by persons employed as above.

LVII. Whoever being in such employ as is described in Section LIV., shall send by post, or put into any post-bag, any unstamped letter, parcel, or packet upon which postage has not been paid or charged in the manner prescribed in this Act, intending thereby to defraud the Government of the postage on such letter, parcel, or packet, or shall aid, abet, or conceal any such acts, shall be punished, on conviction before a Magistrate, with imprisonment, with or without hard labor, for a term not exceeding two years, and shall also be liable to fine.

Fines how to be recovered.

LVIII. Any person, whether a European British subject or not, who shall be guilty of any offence for which, according to the provisions of this Act, he shall be liable to a fine only, shall be punishable for such offence, by any Justice of the Peace for any of the Presidency Towns of Calcutta, Madras, and Bombay, Magistrate, Joint Magistrate, or person lawfully exercising the powers of Magistrate; and any person hereby made punishable by a Justice of the Peace shall be punishable upon summary conviction.

Conviction to be quashed on merits only. Form of conviction, &c.

LIX. No conviction, order, or judgment of any Justice of the Peace shall be quashed for error of form or procedure, but only on the merits, and it shall not be necessary to state on the face of the conviction, order, or judgment, the evidence on which it proceeds, but the depositions taken, or a copy of them, shall be returned with the conviction, order, or judgment, in obedience to any writ of *certiorari*, and if no jurisdiction appears on the face of

of the conviction, order, or judgment, but the depositions taken supply that defect, the conviction, order, or judgment shall be aided by what so appears in such depositions.

Magistrate may refer charge to his Assistant.

LX. A Magistrate may refer for trial and decision any charge of an offence hereby made punishable by fine only to any of his Assistants, or to any Deputy Magistrate lawfully appointed to exercise the powers of a Covenanted Assistant, and in such case every such Assistant or Deputy Magistrate may exercise all the powers vested in a Magistrate, subject to all the rules applicable to criminal cases deputed to such Assistants or Magistrates acting judicially.

Government may authorize Assistants and Deputy Magistrates to exercise certain powers.

LXI. The local Government may give general authority to any such Assistant or Deputy Magistrate to exercise, without reference by a Magistrate, any of the powers which they are hereby rendered competent to exercise upon reference by a Magistrate, subject to appeal to the Magistrate from any conviction by such Assistant or Deputy Magistrate, within one month from the date of the conviction. Provided that a Magistrate may at any time call from any of his Assistants, or from any Deputy Magistrate subordinate to him, any case pending before such Assistant or Deputy Magistrate.

Fines how levied.

LXII. All fines imposed under the authority of this Act, for offences punishable by fine only, by any Justice of the Peace, Magistrate, Joint Magistrate, or person lawfully exercising the powers of a Magistrate, or by any Assistant to a Magistrate or Deputy Magistrate, may, in case of non-payment thereof, be levied by distress and sale of the goods and chattels of the offender, by warrant under the hand of any of the above-named Officers, and in case any such fine shall not be forthwith paid, any such Officer may order the offender to be apprehended and detained in safe custody until the return can be conveniently made to such warrant of distress, unless such party shall give security to the satisfaction of such Officer for his appearance at such place and time as shall be appointed for the return of the warrant of distress, and such Officer may take such security by way of recognizance or otherwise; and if upon the return of such warrant, it shall appear that no sufficient distress can be had whereon to levy such fine, and the same shall not be forthwith paid, or in case it shall appear to the satisfaction of such Officer by the confession of the party or otherwise, that he has not sufficient goods

goods and chattels whereupon such fine or sum of money could be levied if a warrant of distress were issued, any such Officer, by warrant under his hand, may commit the offender to prison, there to be imprisoned only, or to be imprisoned and kept to hard labor, according to the discretion of such Officer, for any term not exceeding two calendar months where the amount of the fine shall not exceed fifty rupees, and for any term not exceeding four calendar months where the amount shall not exceed one hundred rupees, and for any term not exceeding six calendar months in any other case, the commitment to be determinable in each of the cases aforesaid on payment of the amount.

Imprisonment if no sufficient distress, &c.

LXIII. A share not exceeding one moiety of every fine imposed and recovered under this Act may be awarded to the informer.

Moiety of fines to informer.

LXIV. No proceedings shall be taken for the recovery of any such fine without an order of Government, or an order in writing of the Director General of the Post Office, or of a Post Master General.

No proceedings to be taken without an order.

LXV. If any servant of the East India Company, who shall be employed by the said Company in the Post Office Department, or shall be appointed a vendor of postage stamps, or entrusted by the said Company or any of the said local Governments with the sale of postage stamps within the dominions of any Foreign Prince or State in alliance with the said Company, in which a post shall be established by the said Company, shall, within the dominions of such Prince or State, commit any act hereby prohibited, or omit to do any act hereby required to be done, by any person similarly employed, appointed, or entrusted as aforesaid within the territories under the Government of the said Company, such servant of the said Company shall be guilty of an offence, and, on conviction thereof, shall be punished in the same manner as if such act had been done or omitted within the said last-mentioned territories, and every such person may be tried, convicted, and punished either by fine or otherwise, according to the nature of the offence, by any Court or Officer duly empowered by the Governor General of India in Council to take cognizance of offences committed in such dominions by servants of the East India Company, or by any Court or Magistrate, or other competent Officer, in any part of the territories within the Government of the East India Company,

Servants of East India Company committing offences in Foreign States in alliance.

pany, in the same manner as if the offence had been committed in such part of the said territories.

Interpretation.

LXVI. The word "Magistrate" in this Act shall include Joint Magistrates and persons lawfully exercising the powers of Magistrates, and the word "fine" shall include a penalty or forfeiture, or a sum of money due upon a forfeited recognizance.

Governor General in Council may frame rules.

LXVII. It shall be lawful for the Governor General of India in Council to frame rules for the conduct of the Post Office not inconsistent with this Act, and therein to prescribe the regulations, conditions, and restrictions according to which all letters and other articles shall be posted, forwarded, conveyed, and delivered.

Books, &c., sent by post to or from the United Kingdom.

LXVIII. Unless the Governor General of India in Council shall otherwise order, nothing in this Act shall authorize the charge of postage upon printed books, magazines, reviews, or pamphlets (whether British, Colonial, or Foreign) sent through the post from the United Kingdom to any place to which there shall be a post established by the East India Company, or from such place to the United Kingdom, provided the British postage chargeable thereon be pre-paid.

Governor General in Council may exempt from postage letters sent to or from the United Kingdom.

LXIX. It shall be lawful for the Governor General of India in Council by an order in Council, to direct that postage shall not be chargeable under this Act on any letters or other articles to be specified in such order sent through the post from any part of the British Dominions to any place to which there shall be a post established by the East India Company, or from such place to any part of the British Dominions, subject to such conditions, as to the pre-payment of British postage or otherwise, as the Governor General of India in Council may think fit.

District dawks.

LXX. It shall be lawful for the Governor General of India in Council to frame Rules for the management of all or any Zemindaree, Thannah, or other District dawks, and to declare, from time to time, what portions of this Act shall be applicable to such dawks and to persons employed in connexion therewith.

Commencement of Act.

LXXI. This Act shall commence and take effect from and after the first day of October 1854.

ACT No. XVIII. of 1854.

PASSED BY THE LEGISLATIVE COUNCIL OF INDIA.

(*Received the assent of the Governor General on the 12th of August*, 1854.)

AN ACT *relating to Railways in India.*

Preamble.

WHEREAS it is expedient, that all Railways, which have been, or shall be opened by any Railway Company, under the superintendence and control of the East India Company, for the public conveyance of passengers or goods in any part of the territories in the possession and under the Government of the said Company, should be subject to the same regulations; It is enacted as follows:—

Fares to be pre-paid.

I. No person shall enter any carriage used on any such Railway, for the purpose of travelling therein, without having first paid his fare, and obtained a ticket. Every person desirous of travelling on such Railway shall, upon payment of his fare, be furnished with a ticket, specifying the class of carriage and the distance for which the fare has been paid, and shall, when required, show his ticket to any servant of the said Company duly authorized to examine the same, and shall deliver up such ticket upon demand, to any of the Company's servants duly authorized to collect tickets. Any person not producing or delivering up his ticket, as aforesaid, shall be liable to pay the fare from the place whence the train originally started, unless he can prove that he has travelled a less distance only, in which case he shall be liable to pay the fare only from the place whence he has travelled.

Passenger tickets to be given up on demand.

Penalty.

At intermediate Stations, fares and tickets to be conditional.

II. At the intermediate Stations, the fares shall be deemed to be accepted, and the tickets furnished only upon condition that there be room in the train for which the tickets shall be furnished. In case there shall not be room for all the passengers to whom tickets shall have been furnished, those who shall have obtained tickets for the longest distance shall have the preference; and those who shall have obtained tickets for the same distance shall have the preference according to the order in which they shall have received their

tickets

Proviso.

tickets. Provided that all Officers and troops of Her Majesty, or of the East India Company, on duty, and all other persons on the business of the East India Company, who, by virtue of any contract with the East India Company, shall be entitled to be conveyed on such Railway in preference to, or in priority over the public, shall be entitled to such preference and priority without reference to the distance for which, or the order in which they shall have received their tickets.

Penalty for fraud.

III. Any person who shall defraud or attempt to defraud any such Railway Company, by travelling, or attempting to travel, upon such Railway, without having previously paid his fare; or by riding in or upon a carriage of a higher class than that for which he shall have paid his fare; or by continuing his journey in or upon any of the carriages of the Company beyond the place for which he shall have paid his fare, without previously paying the fare for the additional distance, and with intent to avoid payment thereof; or who shall knowingly and wilfully refuse or neglect, on arriving at the point to which he shall have paid his fare, to quit such carriage; or who shall, in any other manner whatever, attempt to evade the payment of his fare, shall be liable to a fine not exceeding fifty rupees for each offence.

Fine for entering carriage in motion.

Or riding on the steps.

IV. Any passenger, who shall get into or upon, or attempt to get into or upon, or shall quit or attempt to quit any carriage upon any such Railway, while such carriage is in motion; or who shall ride or attempt to ride upon any such Railway, on the steps, or any other part of a carriage, except on those parts which are intended for the accommodation of passengers, shall be liable to a fine not exceeding twenty rupees for each offence.

Fine for riding on engine, tender, or luggage-van.

V. Any person other than the engine-man, and fire-man, and assistant fire-man, if any, who, without the special licence of the Superintendent of Locomotives, shall ride or attempt to ride upon any locomotive engine or tender upon any such Railway; and any person other than the guard or breaksmen, who, without such licence as aforesaid, shall ride or attempt to ride upon such Railway, in or upon any luggage-van or goods-waggon, or other vehicle not appropriated to the carriage of passengers, shall be liable to a fine not exceeding twenty rupees for each offence.

VI. If

VI. If any person shall smoke, either on the premises, or in or upon any of the carriages belonging to any such Railway Company except in places or carriages which may be specially provided for the purpose, he shall be liable to a fine not exceeding twenty rupees for each offence; and if any person persist in infringing this regulation after being warned to desist by any of the servants of the Company, such person, in addition to incurring the liability above-mentioned, may be removed by any of the servants of the Company from any such carriage, and from the premises of the Company, and shall forfeit his fare.

Smoking prohibited.

VII. Any person who shall be in a state of intoxication, or shall commit any nuisance or act of indecency in any Railway carriage, or upon any part of the premises of any such Railway Company; or who shall wilfully and without lawful excuse interfere with the comfort of any passenger on such Railway, shall be liable to a fine not exceeding twenty rupees; and in addition to such liability the offender may be removed by any of the servants of the Company from any such carriage, and also from the premises of the Company, and shall forfeit his fare.

Penalty for intoxication or nuisance.

VIII. If any special carriage, or portion of a carriage, or any private room or apartment, shall be provided by any such Railway Company for the exclusive use of females, any male person, who without lawful excuse shall enter such carriage, or portion of a carriage, or any such room or apartment, knowing the same to be exclusively appropriated as aforesaid, or shall remain therein after having been informed of its exclusive appropriation, shall be liable to a fine not exceeding one hundred rupees, and may be removed therefrom, and also from the premises of the Company, by any of the servants of the Company, and shall forfeit his fare.

Penalty for entering private room or carriage.

IX. No such Railway Company shall in any case be answerable for loss or injury to any passengers' luggage unless it shall have been booked and separately paid for.

No liability for passengers' luggage.

X. No such Railway Company shall in any case be answerable for loss of or injury to any gold or silver, coined or uncoined, manufactured or unmanufactured, or any precious stones, jewellery, watches, clocks or time-pieces of any description, trinkets, Government securities, bills of exchange, promissory notes, Bank-notes, orders or other securities for payment of money, Government stamp paper, postage stamps, maps, writings, title-deeds, paintings,

No liability for loss of gold, silver, &c., unless in the case of special engagement.

paintings, engravings, pictures, plated articles, glass, china, silks in a manufactured or unmanufactured state, and whether wrought up or not wrought up with other materials, shawls, lace, or any of them contained in any parcel or package which shall have been delivered to such Railway Company, either to be carried for hire or to accompany the person of any passenger, unless the value and nature of such articles shall have been declared by the person or persons sending or delivering the same, and an increased charge for the safe conveyance of the same shall have been accepted by some person specially authorized to enter into such engagements on behalf of the said Railway Company.

Public notice or private contract not to limit liability.

XI. The liability of such Railway Company for loss or injury to any articles or goods to be carried by them other than those specially provided for by this Act shall not be deemed or construed to be limited or in any wise affected by any public notice given, or any private contract made by them; but such Railway Company shall be answerable for such loss or injury when it shall have been caused by gross negligence or misconduct on the part of their agents or servants.

Remedy for non-payment of the carriage of goods.

XII. If any person shall fail to pay on demand any sum due to any such Railway Company for the conveyance of any goods, it shall be lawful for the Company to detain all or any part of such goods, or, if the same shall have been removed from the premises of the Company, any other goods of such person which shall then be on their premises, or shall thereafter come into their possession; and also to sell by public auction sufficient of such goods to realize the sum payable as aforesaid, and all charges and expenses of such detention and sale, and out of the proceeds of the sale, to retain the sum so payable, together with the charges and expenses aforesaid, rendering the overplus, if any, of the money arising by such sale, and such of the goods as shall remain unsold, to the person entitled thereto; or the Company may recover any such sum by action at law.

Written account of goods to be given on demand.

XIII. The owner or person having the care of any goods which shall have been carried upon any such Railway, or shall be brought on to the premises of any such Railway Company for the purpose of being carried on their Railway, shall, on demand by any servant of the Company appointed to receive goods to be carried on that part of the Railway on which such goods shall have been carried, or shall be about to be

be carried, deliver to such servant an exact account in writing signed by him of the number or quantity and description of such goods.

Penalty for false account.

XIV. If any such owner or person as aforesaid shall wilfully fail to give such account to such servant of the Company, or if he shall wilfully give a false account thereof, he shall, for every such offence, be liable to a fine not exceeding fifty rupees for every ton of goods, or for any parcel exceeding one hundred weight; and to a fine not exceeding twenty rupees for any quantity of goods less than a ton or for any parcel less than one hundred weight.

Carriage of goods of a dangerous nature.

XV. No person shall carry upon any such Railway any dangerous goods, or be entitled to require any such Railway Company to carry upon such Railway any luggage or goods which, in the judgment of the Company or any of their servants, shall be of a dangerous nature; and if any person shall carry upon such Railway any dangerous goods, or shall deliver to such Railway Company any such goods for the purpose of being carried upon such Railway, without distinctly marking their nature on the outside of the package containing the same, or otherwise giving notice in writing of the nature thereof to the book-keeper or other servant of the Company to whom the same shall be delivered for the purpose of being so carried, he shall be liable to a fine not exceeding two hundred rupees for every such offence; and it shall be lawful for any such Company or any of their servants to refuse to carry any luggage or parcel that they may suspect to contain goods of a dangerous nature, and to require the same to be opened to ascertain the fact previously to carrying the same; and in case any such luggage or parcel shall be received by the Company for the purpose of being carried on the Railway, it shall be lawful for the Company or any of their servants to stop the transit thereof, until they shall be satisfied as to the nature of the contents of the baggage or parcel.

Penalty for obstructing servant in his duty.

XVI. Any person who shall wilfully obstruct or impede any officer or servant of the Company in the discharge of his duty on such Railway, or any of the works, stations, or premises connected therewith, shall be liable to a fine not exceeding fifty rupees.

Penalty for trespass.

XVII. Any person who shall trespass upon any such Railway, or upon any of the lands, stations, or other premises belonging to the Company, shall be liable to a fine not exceeding twenty rupees; and if any such person shall refuse to leave such Railway or premises on being

ing requested to do so by any officer or servant of the Company, or by any other person on behalf of the Company, he shall be liable to a fine not exceeding fifty rupees, and may be immediately removed from such Railway or premises by such officer, servant, or other person as aforesaid.

Penalty for driving an animal upon or across Railway.

XVIII. Any person who shall wilfully ride, lead, or drive upon or across any such Railway, any animal, except in directly crossing the said Railway at any road or place appointed for that purpose, at a time at which he shall be lawfully authorized so to do, shall be liable to a fine not exceeding fifty rupees for each offence.

Precaution if Railway crosses road.

XIX. If the Railway cross any public carriage road on a level, the Railway Company shall erect, and at all times maintain good and efficient gates, either across the Railway, or across the road on each side of the Railway where the same shall communicate with the road, and shall employ proper persons to open and shut such gates; if such gates be across the road, they shall be kept constantly closed, except during the time when horses, cattle, carts, or carriages passing along the same shall have to cross the Railway, and the gates shall be of such dimensions and so constructed as when closed to fence in the Railway, and prevent cattle or horses passing along the road from entering upon the Railway. If the gates be across the Railway they shall be kept closed, except when engines or carriages passing along the Railway shall have occasion to cross the road, and shall be of such dimensions and so constructed as when open to fence in the Railway, and prevent cattle, carriages, or passengers from entering upon the Railway. Provided that it shall be lawful for the local Government in any case to order that the gates shall be across the road or across the Railway as the Government may think fit, and in such case the gates shall be erected, maintained, and closed accordingly. If any Railway Company shall wilfully fail to comply with the provision of this Section, they shall forfeit a sum not exceeding two hundred rupees for each offence, and any Magistrate or Justice of the Peace may, in case any such gates be not erected or maintained, order the Company to erect and maintain the same within a time to be specified in the order, and in case of wilful failure on the part of the Railway Company to comply with such order, they shall be liable to a fine not exceeding two hundred rupees for every day that they shall wilfully fail so to do.

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Penalty.

XX. Every

XX. Every such Railway Company shall be bound to erect and maintain good and sufficient fences on each side of their Railway; or, failing therein, shall be liable to a fine not exceeding fifty rupees for every offence; and it shall be lawful for a Magistrate or Justice of the Peace to order the Company to erect or repair any such fence within a time to be specified in the order, and upon failure of the Company to comply with such order, they shall be liable to a fine not exceeding fifty rupees for every day that they fail so to do.

Railway to be fenced. Penalty for not fencing.

XXI. The owner of any animal which shall trespass or stray upon any such Railway, or upon any lands belonging to such Railway Company, except for want of the erection or maintenance of any fence or gate which the Company is bound to erect and maintain, shall be liable to a fine not exceeding ten rupees for each animal; and it shall be lawful for the Company, or any of their servants, to take or drive every animal which shall be found so trespassing to the nearest Police Station, there to be detained until the highest amount of fine incurred by such trespass and the expense of feeding and keeping the animal be paid, or until a Magistrate shall otherwise order. A Magistrate may, upon proof of the trespass, cause such animal to be sold by public auction, and the proceeds of the sale, after deducting therefrom such fine or such a sum, not exceeding ten rupees for each animal, as the Magistrate shall award to be paid in lieu of the fine to which the owner is hereby made liable, and such further sum as the Magistrate shall order to be paid for the expenses of detaining, feeding, and selling such animal, shall be returned to the owner of the animal on demand.

Liability of owner of animal trespassing.

XXII. Any person who shall unlawfully and wilfully remove or deface the number plates, or remove or extinguish any lamp on any carriage belonging to any such Railway Company; or shall wilfully or negligently damage or injure any carriage, engine, waggon, truck, warehouse, building, machine, fence, or any other matter or thing belonging to such Railway Company, shall be liable to a fine not exceeding fifty rupees.

Penalty for injury to carriage, &c.

XXIII. If any person for whose use or accommodation any gate shall have been set up by any such Railway Company on either side of such Railway, or any other person, shall open such gate, or pass or attempt to pass, or drive or attempt to drive any carriage, cattle, or other animal or thing across the said Railway

Penalty for opening or not properly shutting gates.

Railway at a time when any engine or train approaching along the same shall be in sight; or shall at any time omit to shut and fasten such gate, as soon as he and any carriage, cattle, or other animal or thing under his charge shall have passed through the same, he shall be liable to a fine not exceeding fifty rupees.

Offender may be apprehended.

XXIV. If any person shall commit any offence hereby made punishable by fine, and the name and address of such person shall be unknown, or there be reason to believe that the offender will abscond, any officer or servant the Company, or any police officer, or other person whom such officer or servant may call to his aid, may, without any warrant or written authority, lawfully apprehend and detain such offender until he can be taken before a Magistrate or other officer having jurisdiction over the offence, or shall give sufficient security for his appearance before such Magistrate or other officer, or shall be otherwise discharged by due course of law.

Penalty for wilful act or omission endangering a passenger.

XXV. Whoever shall wilfully do any act, or shall wilfully omit to do what he is legally bound to do, intending by such act or omission to cause, or knowing that he is thereby likely to cause the safety of any person travelling or being upon any such Railway to be endangered, shall be liable to be transported beyond sea for the term of his life, or to be imprisoned, with or without hard labour, for any term not exceeding seven years.

Penalty for wilful act or omission in a Railway-officer.

XXVI. If any officer or servant of such Railway Company shall wilfully do any act which he is legally prohibited from doing, or shall wilfully or negligently omit to do what he is legally bound to do, and if, in consequence of such act or omission, the safety of any person travelling or being upon such Railway shall be endangered, such officer or servant shall be liable to be imprisoned, with or without hard labour, for any term not exceeding three years, or to fine, or to both.

Penalty for drunkenness or breach of duty by Railway officer.

XXVII. Any officer or servant of such Railway Company, who shall be in a state of intoxication whilst actually employed upon the Railway, or any of the works connected therewith, in the discharge of any duty, and any officer or servant of such Company, who negligently shall omit to perform his duty, or shall perform the same in an improper manner, shall be liable to a fine not exceeding fifty rupees; and if the duty in any of the cases in this Section above-mentioned be

be such, that the omission or negligent performance thereof would be likely to endanger the safety of any person travelling or being upon such Railway, such officer or servant shall, on conviction before a Magistrate, be liable to imprisonment, with or without hard labour, for a term not exceeding one year, or to fine, or to both.

Panalty for an act not wilful.

XXVIII. If any person shall rashly or negligently, and without lawful excuse, do any act which shall be likely to endanger the safety of any person travelling or being upon such Railway, he shall, upon conviction before a Magistrate, be liable to imprisonment, with or without hard labour, for a term not exceeding one year, or to fine, or to both.

Rule of Construction of this Act.

XXIX. In the construction of this Act, every officer and servant of such Railway Company shall be deemed to be legally bound to do everything necessary for, or conducive to the safety of the public, which he shall be required to do by any Regulation which shall be made by the Company, and allowed by the Governor General of India in Council, and of which Regulation such officer or servant shall have notice; and every such officer and servant shall be deemed to be legally prohibited from doing every act which shall be likely to cause danger, and which by any such Regulation he shall be prohibited from doing; and every person employed by or on behalf of such Railway Company to do any act upon the Railway, shall be deemed to be a servant of the Company.

Jurisdiction of Magistrate, &c. to fine.

XXX. Any person, whether a European British subject or not, who shall be guilty of any offence, for which, according to the provisions of this Act, he shall be liable to a fine only, shall be punishable for such offence by any Justice of the Peace for any of the Presidency Towns of Calcutta, Madras and Bombay, Magistrate, Joint Magistrate, or person lawfully exercising the powers of a Magistrate, whether the offence shall have been committed within the local limits of the jurisdiction of such officer or not, and any person hereby made punishable by a Justice of the Peace, shall be punishable upon summary conviction.

Conviction to be quashed on merits only—form of conviction, &c.

XXXI. No conviction, order, or judgment of any Justice of the Peace shall be quashed for error of form or procedure, but only on the merits; and it shall not be necessary to state on the face of the conviction, order, or judgment, the evidence on which it proceeds; but the depositions taken, or a copy of them,

 shall

shall be returned with the conviction, order, or judgment, in obedience to any writ of *certiorari*, and if no jurisdiction appears on the face of the conviction, order, or judgment, but the depositions taken supply that defect, the conviction, order, or judgment shall be aided by what so appears in such depositions.

Magistrate may refer case to his Assistant or Deputy.

XXXII. A Magistrate may refer for trial and decision any charge of an offence hereby made punishable by fine only to any of his Assistants, or to any Deputy Magistrate lawfully appointed to exercise the powers of a covenanted assistant, and in such case every such Assistant or Deputy Magistrate may exercise all the powers vested in a Magistrate, subject to all the rules applicable to criminal cases deputed to such Assistants or Deputy Magistrate, acting judicially.

Local Government may authorize Assistant, &c.

XXXIII. The local Government may give general authority to any such Assistant or Deputy Magistrate to exercise, without reference by a Magistrate, any of the powers which they are hereby rendered competent to exercise upon reference by a Magistrate, subject to appeal to the Magistrate from any conviction by such Assistant or Deputy Magistrate, within one month from the date of conviction.

Proviso.

Provided that a Magistrate may at any time call from any of his Assistants, or from any Deputy Magistrate subordinate to him, any case pending before such Assistant or Deputy Magistrate.

Fines how to be recovered

XXXIV. All fines imposed under the authority of this Act for offences punishable by fine only by any Justice of the Peace, Magistrate, Joint Magistrate, or person lawfully exercising the powers of a Magistrate, or by any Assistant to a Magistrate, or Deputy Magistrate, may, in case of non-payment thereof, be levied by distress and sale of the goods and chattels of the offender, by warrant under the hand of any of the above-named officers; and in case any such fine shall not be forthwith paid, any such officer may order the offender to be apprehended and detained in safe custody until the return can be conveniently made to such warrant of distress, unless the offender shall give security to the satisfaction of such officer for his appearance at such place and time as shall be appointed for the return of the warrant of distress, and such officer may take such security by way of recognizance or otherwise; and if upon the return of such warrant it shall appear that no sufficient distress can be had whereon to levy such fine, and the same shall not be forthwith paid, or in case it shall appear to the satisfaction

faction of such officer, by the confession of the offender or otherwise, that he has not sufficient goods and chattels whereupon such fine or sum of money could be levied if a warrant of distress were issued, any such officer may, by warrant under his hand, commit the offender to prison, there to be imprisoned only, or to be imprisoned and kept to hard labour, according to the discretion of such officer, for any term not exceeding two calendar months when the amount of the fine shall not exceed fifty rupees, and for any term not exceeding four calendar months when the amount shall not exceed one hundred rupees, and for any term not exceeding six calendar months in any other case, the commitment to be determinable in each of the cases aforesaid on payment of the amount.

Jurisdiction in the Madras and Bombay Presidencies.

XXXV. The heads of district police and ameens of police in the Presidency of Madras, and district or joint police officers in the Presidency of Bombay, may punish, to the extent of the powers conferred upon them respectively in petty offences, any offence hereby made punishable by fine not exceeding twenty rupees.

Enforcing payment of fare by passenger not producing ticket.

XXXVI. Payment of any fare to which any passenger not producing or delivering up his ticket shall be liable under Section I. of this Act, may be enforced in the same manner as any fine imposed by this Act.

Apprehension of offenders.

XXXVII. Every person who shall be guilty of any offence mentioned in Sections XXV. XXVI. XXVII. and XXVIII., of this Act, may be lawfully apprehended without any warrant or written authority, by any servant or officer of the Company, or by any other person whom such officer or servant shall call to his aid, or by any police officer of such grade, as shall by any law in force for the time being be entrusted in any case with the power of arrest without a warrant; and every person so apprehended shall, with all convenient despatch, be carried and conveyed before a Magistrate or Justice of the Peace, or other officer lawfully authorized to punish the offender or to commit him for trial.

Construction.

XXXVIII. In the construction of this Act, unless where a contrary intention appears from the context, the word "Magistrate" shall include a Joint Magistrate, and any person lawfully exercising the powers of a Magistrate; words in the singular number shall include the plural; words in the plural shall include the singular; and words in the masculine gender shall include the feminine; and the word "fine" shall include a sum of money due upon a forfeited recognizance.

XXXIX. Acts

XXXIX. Acts No. III. of 1853 and No. XII. of 1853, are hereby repealed, except as to acts done, offences committed, and liabilities incurred before the passing of this Act.

Acts repealed.

XL. Every Railway within the said territories, used for the public conveyance of passengers or goods, shall, until the contrary be proved, be presumed to be a Railway within the meaning of this Act, and every Company to whom any such Railway shall belong, shall, until the contrary be proved, be presumed to be a Railway Company within the meaning of this Act.

All Indian Railways to be within the Act.

XLI. Every such Railway Company shall, within forty-eight hours after the occurrence upon the Railway belonging to such Company of any accident attended with serious personal injury, give notice thereof to the local Government; and if any such Company omit to give such notice, they shall forfeit the sum of fifty rupees for every day during which the omission to give the same shall continue.

Penalty for omitting to report accident.

XLII. The local Government may order and direct any such Railway Company to make up and deliver to them a return of serious accidents occurring in the course of the public traffic upon the Railway belonging to such Company, whether attended with personal injury or not, in such form and manner as the Government shall deem necessary and require for their information, with a view to the public safety; and if any such returns shall not be so delivered within fourteen days after the same shall have been required, every such Company shall forfeit the sum of fifty rupees for every day during which the said Company shall neglect to deliver the same.

Local Government may require a return of accidents.

Penalty.

XLIII. A copy of this Act, and of the General Regulations, Time Tables, and Tariff of charges, which shall from time to time be published by any Railway Company, with the sanction of the local Government, shall be exhibited in some conspicuous place at each Station of every Railway, so that they may be easily seen and read; and all such documents shall be so exhibited in English and in the Vernacular language of the district in which the Station is situate, and in such other language, if any, as shall be required by order of the local Government.

Copy and translation of Acts to be shown at Railway Stations.

ACT No. XIX. of 1854.

PASSED BY THE LEGISLATIVE COUNCIL OF INDIA.

(Received the assent of the Governor General on the 26th of August 1854.)

AN ACT *for removing the prohibition against the importation of Foreign Sugar.*

Preamble.

WHEREAS, by the provisions of a Statute passed in the 12th year of the reign of Her present Majesty, the duties to be levied on the importation of Sugar from different places into the United Kingdom, have been equalized; It is enacted as follows :—

Repeal of Acts prohibiting the importation of Sugar into Bengal, Madras, and the North-Western Provinces.

Acts XXXII. of 1836, XV. of 1839, XI. of 1842, and so much of Act XIV. of 1843, as prohibits the importation of Sugar into any part of the North-Western Provinces of the Presidency of Bengal, are hereby repealed.

ACT No. XX. of 1854.

PASSED BY THE LEGISLATIVE COUNCIL OF INDIA.

(Received the assent of the Governor General on the 26th of August 1854.)

AN ACT *to amend Regulation XIII. of* 1833 *of the Bengal Code.*

Preamble.

WHEREAS it is expedient to amend the provisions of Regulation XIII. of 1833 of the Bengal Code; It is enacted as follows.—

Repeals part of Regulation XIII. of 1833.

I. So much of the said Regulation as prescribes that the Officer in whom the duties specified in Section IV. of the said Regulation shall be vested, shall be denominated "Agent to the Governor General," is repealed.

Officer appointed by the Local Government may exercise all powers by that Regulation vested in the Agent to the Governor General.

II. Such duties shall be vested in any Officer whom the local Government shall, from time to time, appoint for that purpose, and such Officer, when appointed, and his assistants, respectively, may exercise, within the tracts of country separated as prescribed in the said Regulation, all the powers which, by the said Regulation, the Agent to the Governor General and his assistants respectively may exercise, and all the provisions in the said Regulation relating to the Agent to the Governor General and his assistants, shall be applicable to the Officer to be appointed as aforesaid and his assistants respectively.

LIBRARY

ACT No. XXI. OF 1854.

PASSED BY THE LEGISLATIVE COUNCIL OF INDIA.

(Received the assent of the Governor General on the 26th of August 1854.)

AN ACT *to amend the Law relating to the several Banks of Bengal, Madras, and Bombay.*

Preamble.

FOR the purpose of removing doubts, and of extending the powers of the chartered Banks of Bengal, Madras, and Bombay; It is enacted as follows:—

Secretary, &c. empowered to draw and endorse Bills, &c. and to sign documents for the Banks.

I. The persons for the time being holding the Offices of Secretary and Treasurer, or of Secretary alone, or of Deputy Secretary of the Bank of Bengal, of the Bank of Madras, or of the Bank of Bombay, are hereby severally empowered, for and on behalf of the Bank under which they hold either of such offices, to endorse and transfer Government Securities standing in the name of the Bank, to draw, accept, and endorse Bills of Exchange, Promissory Notes, and Bank Post Bills connected with the current and ordinary business of the Bank, and to sign all other documents connected with such business.

Banks may lend money on shares of guaranteed Railway Companies.

II. It shall be lawful for any of the said Banks to lend money on the security of Shares in such of the incorporated Indian Railway Companies as hold a guarantee from the East India Company with regard to interest: provided that no such loan shall in any case exceed in amount three-fourths of the paid up value of the Shares, on the security of which the loan is made, and in every case such Shares shall be transferred to the Bank by which the loan is made, either absolutely, or by way of mortgage.

Proviso.

ACT No. XXII. OF 1854.

PASSED BY THE LEGISLATIVE COUNCIL OF INDIA.

(Received the assent of the Governor General on the 23rd of September 1854.)

AN ACT *to repeal certain parts of the* 53, *George* 3, *c.* 155, *of Section II. Regulation XV. of* 1806 *of the Bengal Code, and of Regulation IV. of* 1809 *of the Madras Code.*

Preamble.

WHEREAS by Letters Patent dated the 1st day of March 1851, all amerciaments, fines, forfeitures, and penalties belonging to the Crown, were granted to the East India Company, and it is no longer necessary that fines realized by Magistrates, under the provisions of the Statute 53, George 3, c. 155, s. 105, should be remitted to the Clerk of the Crown; and whereas also it is no longer necessary that, in all cases in which European British Subjects are concerned, the Magistrates should report their proceedings to the Government; It is enacted as follows:—

Repeals certain parts of Statute 53, George 3, c. 155, s. 105, of Section II. Regulation XV. of 1806 of the Bengal Code, and of Regulation IV. of 1809 of the Madras Code.

So much of the Act of Parliament 53, George 3, c. 155, s. 105, as requires that, in all cases of Conviction of a British Subject under the provisions contained in that Section, the Magistrate, before whom such conviction takes place, shall forthwith transmit copies of such conviction, and of all depositions and other proceedings relative thereto, to the Government to which the place where the offence was committed is subordinate; and so much of the same Section of the above-mentioned Act, as prescribes that any part of any fines shall be transmitted by the Magistrate to the Clerk of the Crown or other Officer to whom it belongs to receive fines in any of Her Majesty's Courts of Oyer and Terminer and Jail Delivery, and that such fines shall be disposed of in the same manner as other fines imposed by such Courts; and so much of Section II. Regulation XV. of 1806 of the Bengal Code and Section II. Regulation IV. of 1809 of the Madras Code, as requires the Magistrate, by whom any European British Subject is held to bail or committed to take his trial before Her Majesty's Supreme Court at Calcutta, to transmit copies of the original depositions, together with translations of any papers not being in the English language, to the Secretary to Government, are hereby repealed.

ACT No. XXIII. of 1854.

PASSED BY THE LEGISLATIVE COUNCIL OF INDIA.

(Received the assent of the Governor General on the 28th of October 1854.)

AN ACT *for the suppression of Outrages in the District of Malabar in the Presidency of Fort St. George.*

Preamble.

WHEREAS in the District of Malabar in the Presidency of Fort St. George, murderous outrages have been frequently committed by persons of the class called Moplas against inhabitants of those Districts belonging to other classes, the offenders in such outrages intending therein to sacrifice their own lives ; and the general law of the country is not adequate to suppress such outrages : It is enacted as follows :—

Governor in Council empowered to proclaim the whole or any part of Malabar to come under this Act.

I. It shall be lawful for the Governor in Council of Fort St. George, whenever he shall see fit, by a proclamation published in the *Fort St. George Gazette*, from time to time to declare the whole or any part or parts of the District of Malabar to be subject to the operation of all or any of the following provisions.

The poperty of Moplas convicted of outrages to be forfeited.

II. Any Mopla, who murders or attempts to murder any person belonging to any other class, or who takes part in any outrage directed by Moplas against persons of any other class, wherein murder is committed or is attempted to be committed, or is likely to be committed ; and any person who shall procure or promote the commission of any such crime as aforesaid, or shall incite or encourage any other person or persons to commit the same ; or who, after having committed, or having been accessary to any such crime as aforesaid, shall forcibly resist any person or persons having lawful authority to apprehend him ; or who shall join or assist, or incite or encourage other persons to join or assist in such resistance ; shall, on conviction thereof, be liable not only to the punishment provided by the existing law for the offence of which he may be convicted, but also to the forfeiture of all his property,

of

Also the property of persons killed in committing outrages.

ot whatever kind, to Government, by the sentence of the Court by which he is tried; and whenever any person shall be killed in the act of committing any such offence as aforesaid, or being wounded and taken prisoner in the act of committing any such offence as aforesaid, shall afterwards die of his wounds, it shall be competent to the Court which would have had cognizance of the offence, if the offender could have been brought to trial, to proceed, on the application of the Magistrate, to hold an inquest into the circumstances of the death of the offender; and on proof of his having been killed as aforesaid, or of his having died of wounds received as aforesaid, to adjudge that the whole of his property shall be forfeited to Government.

Bodies of offending Moplas sentenced to death, or killed, may be burned or buried within the precincts of the Jail.

III. If any Mopla shall be sentenced to death for any capital offence, punishable also with forfeiture of property under this Act, it shall be lawful for the Court, by which such offender is convicted, by its sentence, to direct the body of such offender to be burned or buried within the precincts of the Jail, as it shall see fit; and in like manner, if any Mopla shall be killed in the act of committing any such offence as aforesaid, or having committed any such offence as aforesaid shall be killed in resisting a lawful attempt to apprehend him; it shall be lawful for the Magistrate to cause the body of the person so killed to be burned or buried within the precincts of the Jail, as the said Magistrate shall see fit.

Powers of Governor in Council as to the confinement or trial of persons under this Act.

IV. The Governor in Council shall have, with respect to the confinement or trial of any person charged with or suspected of an intention to commit any offence punishable under this Act, the powers which are vested in him by Regulation II. of 1819 of the Madras Code and by Act V. of 1841, respectively, regarding the confinement or trial of persons charged with or suspected of State offences; and the provisions of the said Regulation and Act, respectively, shall be applicable to all cases in which the Governor in Council shall proceed under the authority of this Section.

Magistrate how to act in respect to persons against whom he thinks there are grounds of proceeding.

V. The Magistrate of the District may cause any Mopla or other person, against whom there are in his judgment grounds of proceeding under the last Section, to be apprehended, and after such enquiry as he may think necessary, may detain such Mopla or other person in safe custody, until he shall have received the orders of the Governor in Council, to whom in all such cases he shall report his proceedings without unnecessary delay.

VI. If

Penalty for remaining or returning within forbidden limits.

VI. If with the previous consent of the Governor in Council any person, against whom the Governor in Council shall think fit to proceed under Section IV., shall undertake, in consideration of the suspension of such proceedings, to depart within a specified period from within the limits of the continent of India or of any part thereof, and shall in breach of his said undertaking, and without the permission of the Governor in Council, remain or return within such limits, he shall be liable to be punished with imprisonment, with or without hard labor, for a period which may extend to seven years, or with fine, or both.

Levy of compensation or fine.

VII. Whenever any such outrage, as is specified in the 2nd Section of this Act, the same being punishable under this Act, shall have been committed by any Mopla or Moplas, it shall be lawful for the Magistrate, with the sanction of the Governor in Council, to levy such sum of money as the Governor in Council shall authorize from all the Moplas within the umshum or the several umshums to which the perpetrator or perpetrators, or any one of such perpetrators of such outrages, shall be found to belong, or wherein any such perpetrator shall have been resident at the time of the commission of the outrage; and the said Magistrate shall assess the proportions in which the said sum shall be payable upon the several heads of families of Moplas within such umshum or umshums, according to his judgment of their respective means; and the said Magistrate shall appropriate the sum so levied as follows, that is to say, in the first place, to the compensation of the parties aggrieved by such outrages, including therein compensation to the family of any person dying by any such outrage for the pecuniary loss occasioned or likely to be occasioned by such death; and, subject to such compensation, to the use of the Government.

Fines, &c. how to be levied.

Magistrate exempted from action.

VIII. All fines and pecuniary liabilities incurred under this Act may be levied by a Magistrate under summary process, in the same manner as the Public Revenue may be realized by a Collector; and no action shall lie in any Civil Court against the Magistrate in respect of any fine imposed, or any assessment made under this Act, or in respect of the levy of any portion of such fine from the person or persons upon whom the same shall have been assessed.

IX. It

IX. It shall be lawful for the Governor in Council, by such proclamation as aforesaid, from time to time, to withdraw from the operation of the provisions of this Act any part or parts of the said District which he may previously have declared to be subject thereto; and in like manner, as occasion shall require, to subject the same part or parts again to the operation of such provisions, or of any of them.

Parts of District may be withdrawn from the operation of the Act, and again made subject to it.

X. The provisions of this Act shall continue in force until the 31st December 1859.

Act how long to continue in force.

ACT No. XXIV. of 1854.

PASSED BY THE LEGISLATIVE COUNCIL OF INDIA.

(Received the assent of the Governor General on the 28th of October 1854.)

AN ACT *to prohibit the possession of certain offensive weapons in Malabar.*

WHEREAS it is expedient to prohibit the possession of certain offensive weapons in the District of Malabar in the Presidency of Fort St. George, It is enacted as follows :—

Use of Ayudha Cutty or any similar weapon prohibited.

I. The use of the Ayudha Cutty or war-knife, or of any similar offensive weapon, is hereby prohibited throughout the District of Malabar; and every person possessing a weapon of the description so designated, or any similar weapon, is required to surrender it, on or before the date which shall be appointed for the above provisions taking effect, and according to such orders as shall be published in that behalf by the Magistrate.

Such weapons to be surrendered by a certain date.

Fine for possessing, purchasing, selling, or manufacturing, after date.

II. After such date, any person who shall be found in possession of an Ayudha Cutty or war-knife, or of a similar offensive weapon, or who shall purchase, or sell, or manufacture, or cause to be manufactured, any Ayudha Cutty or war-knife, or similar weapon, shall be liable, on conviction before a Magistrate, to a fine not exceeding fifty Rupees, or to imprisonment, with or without hard labor, for a period not exceeding six months, or to both; and the said war-knife or weapon shall be confiscated.

Magistrate may search for prohibited weapons.

III. It shall be lawful for the Magistrate of Malabar to cause search to be made by his Police Officers, acting under his warrant, in any house or other place in which any Ayudha Cutty or war-knife, or any similar offensive weapon, may be supposed to be contrary to this Act; and any such Ayudha Cutty or war-knife, which shall be found, may be seized and confiscated. It shall also be competent to the Magistrate, at his discretion, to delegate to any of his European Assistants the powers conferred by this Section. Any person who shall resist or oppose such search or seizure, or forcibly withstand any Police Officer charged with such warrant, shall be liable to the same penalties, as if such person had opposed or resisted the execution of a warrant for the search after stolen goods.

Penalty for resisting search.

ACT No. XXV. OF 1854.

PASSED BY THE LEGISLATIVE COUNCIL OF INDIA.

(Received the assent of the Governor General on the 4th of November 1854.)

AN ACT *for discontinuing the practice of issuing Warrants for the payment of money from the Treasuries of the Collectors.*

Preamble.

WHEREAS the issue of Warrants for the payment of money from the Treasuries of the Collectors is unnecessary, It is enacted as follows:

Section 12 Regulation II. of 1793, Section 12 Regulation V. of 1795, Section 11 Regulation XXV. of 1803, and part of Section 18 Regulation VIII. of 1805 of the Bengal Code, repealed.

Section XII. Regulation II. of 1793, Section XII. Regulation V. of 1795, Section XI. Regulation XXV. of 1803, and so much of Section XVIII. Regulation VIII. of 1805 of the Bengal Code as extends Section XI. Regulation XXV. of 1803 to the Provinces and Territories specified in Section III. of that Regulation, are hereby repealed. Provided, however, that no money shall be paid away from any such Treasury, except under the written order of the Collector or other officer in charge of the Treasury.

Proviso.

ACT No. XXVI. OF 1854.

PASSED BY THE LEGISLATIVE COUNCIL OF INDIA.

(*Received the assent of the Governor General on the* 11*th of November* 1854.)

AN ACT *for making better provision for the Education of Male Minors subject to the superintendence of the Court of Wards.*

Preamble.

WHEREAS the existing laws are found insufficient to ensure the proper education of male minors subject to the superintendence of the Court of Wards, and it is expedient to make further and better provision for the education of such persons, It is enacted as follows :—

General control and superintendence of the education of male minor wards vested in Collectors of Revenue.

I. The general superintendence and control of the education of every male minor, whose property has been, or shall be brought under the management of the Court of Wards, in and for any part of the Presidency of Fort William, by virtue of any Act or Regulation, which now is, or hereafter shall be in force, is hereby vested in the Collector of Revenue, acting under the said Court of Wards, in the zillah or district wherein such minor's estate is situate; or, if such minor is possessed of immovable property in different districts, in such one of the Collectors of Revenue of such districts as the said Court of Wards shall select.

Collectors to have power to cause male minor wards to be educated at any school or college.

II. It shall be lawful for every Collector of Revenue, in whom the superintendence of the education of any minor is vested by this Act, to direct that such minor shall reside, either with or without his guardian, at the sudder station of the district, or at any other place within the said Presidency, and shall attend, for the purposes of education, such school or college as to the said Collector may seem expedient; and to make such provision as may be necessary for the proper care and suitable maintenance of the said minor whilst attending such school or college.

III. If

III. If it shall appear to the Collector inexpedient to place any such minor at a school or college, he shall, if the proceeds of the estate are sufficient for that purpose, cause such minor to be educated by a private tutor, properly qualified, either at the family residence of such minor, or at the sudder station or elsewhere within the said Presidency; and in that case also the Collector shall have power to determine from time to time the place of residence of such minor, and to make such provision as may be necessary for his proper tuition and maintenance during the period of his education.

Or in certain cases to cause such wards to be educated privately.

IV. All charges and expenses which may be incurred on account of any male minor ward under the provisions of this Act, for college or school fees, or for other charges of tuition or education, or by reason of his residence in any place other than his own home or otherwise, shall be defrayed from the profits of his estate in the same manner as other expenses incurred under the authority, or with the sanction of the Court of Wards.

Charges and expenses incurred under this Act to be paid out of the profits of the ward's estate.

V. It shall be lawful for the Court of Wards, on the application of a Collector, to remove from office any guardian who shall neglect or refuse to obey, or shall evade compliance with any orders passed, or directions given by such Collector under the provisions of this Act, and to cause a new guardian to be appointed in his place, whether the person so removed shall have been first invested with the guardianship of the minor upon the nomination of a Collector acting under the Court of Wards, or by a testamentary appointment confirmed by the Court of Wards; and if in any such case the guardian to be removed shall be also the manager of the minor's estate, it shall be lawful for the Court of Wards, at its discretion, either to remove him from both the said offices, or to continue him in that of manager only.

Court of Wards to have power to remove guardians for disobedience to orders passed by a Collector under this Act.

VI. The guardian so removed shall, notwithstanding his removal, continue liable to account to the Collector for his receipts and disbursements during the period of his guardianship; and every guardian appointed in the place of a guardian so removed shall be chosen in the same way, and shall have the same rights and powers, and be subject to the

Continued liability of guardian removed: powers and responsibilities of new guardian.

the same responsibilities as persons originally appointed to be guardians of minors by a Collector of Revenue acting under the Court of Wards.

The right to the custody of the person of a male minor to be vested in guardian appointed by the Court of Wards, or, failing him, in the Collector.

VII. The right to the custody of the person of any male minor, whose property is under the management of the Court of Wards, is hereby vested in the person appointed with the sanction of the Court of Wards, either originally, or upon the removal of a former guardian, to be the guardian of such minor, or in the absence of any such person, in the Collector of Revenue having the superintendence of the education of such minor under the provisions of this Act.

Appeal from the orders of a Collector to lie to Commissioner of Revenue acting as a Court of Wards.

VIII. All orders and proceedings of a Collector under the provisions of this Act, shall be subject to the revision of the Court of Wards, and every person aggrieved by any such order or proceeding may prefer an appeal therefrom to the Commissioner of Revenue acting as a Court of Wards in and for the division to which such Collector belongs.

ACT No. XXVII. OF 1854.

PASSED BY THE LEGISLATIVE COUNCIL OF INDIA.

(Received the assent of the Governor General on the 11th of November 1854.)

AN ACT *to amend the Law relating to the Nazim of Bengal.*

Preamble.

WHEREAS it is expedient to repeal such parts of the Bengal Regulations as relate to the Nazim of Bengal, his servants, and relations, and to make better provision for the execution of process within the precincts of the palace of the Nazim at Moorshedabad, It is enacted as follows :—

Regulations repealed.

I. Section X. Regulation XVI. of 1793, Regulation XIX. of 1805, Regulation XVI. of 1806, and Regulation XIX. of 1825 of the Bengal Code, are hereby repealed.

Execution of Civil process within the Nazim's palace.

II. When any process, issued by any Civil Court, Collector, or other Revenue Officer, in the Territories of the East India Company, is required to be served or executed within the precincts of the palace of the Nazim at Moorshedabad, such process shall be transmitted to the Superintendent of the Affairs of the Nizamut, or other Officer, however denominated, exercising for the time being the control and superintendence of the affairs of the Nizamut; and such Superintendent or other Officer shall cause such process to be served or executed according to the exigency thereof, and shall return the same with a certificate of what shall have been done thereon.

Execution of Criminal process within the Nazim's palace.

III. When any process issued by any Criminal Court, Justice of the Peace, Magistrate, or Officer exercising the powers or any of the powers of a Magistrate, in the Territories of the East India Company, is required to be served or executed within the precincts of the palace of the Nazim at Moorshedabad, such process may, at the discretion of the Court or Officer issuing the same, be transmitted to the Superintendent of the Affairs of the Nizamut, or

or other Officer, however denominated, exercising for the time being the control and superintendence of the affairs of the Nizamut; and in such case, such Superintendent or other Officer shall cause such process to be served or executed according to the exigency thereof, and shall return the same with a certificate of what shall have been done thereon.

Proof of execution.

IV. Every certificate returned by the Superintendent or other Officer aforesaid, under this Act, shall, in all cases, be admitted as *primâ facie* proof of the truth of the matter stated therein.

Limits of the palace how to be defined.

V. It shall be lawful for the Government of Bengal to define, for the purposes of this Act, by notification in the *Calcutta Gazette*, the limits of the precincts of the palace of the Nazim at Moorshedabad; and from time to time in like manner to alter such limits.

ACT No. XXVIII. OF 1854.

PASSED BY THE LEGISLATIVE COUNCIL OF INDIA.

(Received the assent of the Governor General on the 18th of November 1854.)

AN ACT *to continue the Commissioners for the Improvement of the Town of Calcutta, pending the consideration of an Act to amend Act X. of* 1852.

Preamble.

WHEREAS Act X. of 1852, for constituting Commissioners for the Improvement of the Town of Calcutta, has been found ineffectual and inconvenient for the purposes thereof, and it is expedient that the constitution of the said Commission be amended, and that in the mean time no new election of Commissioners be made in pursuance of the said Act; It is enacted as follows :—

Repeal of so much of Act X. of 1852 as relates to the election of Commissioners.

I. So much of Act X. of 1852 as relates to the election and time of holding office of the Commissioners for the Improvement of the Town of Calcutta, is repealed.

Present Commissioners to continue in office until the 31st December 1855, or until further Legislative provision.

II. The Commissioners for the Improvement of the Town of Calcutta as now constituted, shall continue to be such Commissioners, and shall have and exercise all the powers entrusted to them under Act X. of 1852 or any other Act, until the 31st of December 1855, or until other provision shall be made in that behalf by the Legislative Council of India; and if in the meantime any vacancy, from any cause whatever, happen among the said Commissioners, it shall be lawful for the Lieutenant-Governor of Fort William in Bengal to appoint a person to fill such vacancy, and the Commissioner so appointed shall have all the powers and privileges conferred on or belonging to the Commissioner in whose stead he shall be appointed.

ACT No. XXIX. OF 1854.

PASSED BY THE LEGISLATIVE COUNCIL OF INDIA.

(Received the assent of the Governor General on the 18th of November 1854.)

AN ACT *to prohibit the exportation of Saltpetre to certain Ports in Europe.*

Preamble.

WHEREAS it is expedient that the exportation of Saltpetre to any port on the Continent of Europe North of Dunkirk should be prohibited during the continuance of hostilities between the Allied Powers and the Emperor of Russia, It is enacted as follows:—

Export of Saltpetre from India to any European Port North of Dunkirk, prohibited.

I. It shall not be lawful, until the Governor General of India in Council shall otherwise order, to export Saltpetre from any part of the Territories in the possession and under the Government of the East India Company, to any port on the Continent of Europe North of Dunkirk.

Penalty.

II. If any person attempt to export Saltpetre contrary to the provisions of this Act, the same shall be seized and confiscated.

ACT No. XXX. OF 1854.

PASSED BY THE LEGISLATIVE COUNCIL OF INDIA.

(Received the assent of the Governor General on the 2nd of December 1854.)

AN ACT *to provide for the levy of Duties of Customs in the Arracan, Pegu, Martaban, and Tenasserim Provinces.*

Preamble.

WHEREAS it is expedient that the Arracan, Pegu, Martaban, and Tenasserim Povinces should be placed, as nearly as possible, in the same position with the Provinces of Bengal and Orissa in respect to the levy of Duties of Sea Customs; that Duties of River Customs should be levied on the Northern Frontier of Pegu; that the floating down of Teak Timber, and the duties payable thereon, in certain of these Provinces, should be regulated by law; and that the exportation of munitions of war from any of these Provinces into Foreign States should be prohibited; It is enacted as follows:—

Acts repealed.

I. So much of Act VII. of 1848 as excepts the Ports of Arracan and Tenasserim from the operation of Section III. Act VI. of 1848, and so much of Sections XVIII. XIX. and XXXV. of Act I. of 1852 as relates to the said Ports, are repealed.

Duty on Imports by Sea.

II. With the exceptions mentioned in Section III. of this Act, all goods imported by Sea into any part of the Arracan, Pegu, Martaban, and Tenasserim Provinces, from any Port not subject to the Government of the East India Company, or from the Port of Aden, or from any Port in the Straits of Malacca, shall be charged with the same rates of duty as those which are or shall be charged on goods of the same description imported from the same Ports into the Provinces of Bengal or Orissa.

Special Duty on Salt imported by Sea.

III. Salt imported by Sea into any part of the Aracan, Pegu, Martaban, and Tenasserim Provinces, shall be charged duty at the rate of eight annas a maund: provided that it shall be, in

in respect to Arracan, in the power of the Governor or Lieutenant-Governor of Bengal, and, in respect to Pegu, Martaban, and Tenasserim, in the power of the Governor General of India in Council, to fix from time to time, upon Salt imported by Sea, any lower rate of duty that may be thought proper, in order to equalize the rate of Customs Duty upon Salt imported by Sea into any of the said Provinces with the rate of Excise Duty on Salt manufactured in the same Province. Opium imported by Sea into any part of the said Provinces shall be charged duty at the rate of twenty-four Rupees a seer, excepting Opium purchased at a Government Sale in Calcutta, which shall be free: provided that no Opium of any description shall be landed in the Provinces aforesaid without a Pass from the Collector of Customs at the Port of landing, in default of which such Opium shall be seized and confiscated.

Special Duty on Opium imported by Sea.

IV. All goods, except Teak Timber, exported by Sea from any part of the Arracan, Pegu, Martaban, and Tenasserim Provinces, to any Port not subject to the Government of the East India Company, or to the Port of Aden, or to any Port in the Straits of Malacca, shall be charged with the same rates of duty as those which are or shall be charged upon goods of the same description exported to the same Ports from the Provinces of Bengal and Orissa. Provided that when goods, which have paid River Frontier Import Duty under Section VI. of this Act, are exported by Sea under a Certificate of the Collector of River Frontier Customs, passed by the Collector of Sea Customs, the amount of River Frontier Import Duty so paid shall be accepted in full payment of the Sea Export Duty chargeable under this Section.

Duty on Exports by Sea.

V. All the laws and rules relating to the levy of duties of Customs, which are or shall be in force in the Provinces of Bengal and Orissa, shall apply to the levy of duties of Sea Customs in the Arracan, Pegu, Martaban, and Tenasserim Provinces: provided that the powers which, in the Provinces of Bengal and Orissa, are or shall be vested in the Governor or Lieutenant-Governor of Bengal, shall be vested, in respect of Pegu, Martaban, and Tenasserim, in the Governor General of India in Council, and that the powers which, in the Provinces of Bengal and Orissa, are or shall be vested in the Board of Revenue, shall, in respect of Pegu and Martaban, be vested in the Commissioners of those Provinces respectively.

Bengal Customs Law to apply.

VI. All

VI. All goods, excepting Bullion and Coin, Precious Stones and Pearls, Cotton Wool, Grain and Pulse, and Living Animals, which shall all be free; and excepting Spirituous Liquors and Teak Timber, for which special rules are provided; imported by the River Irrawaddy or the River Sitang from beyond the Northern Frontier of Pegu; shall be charged, on passing the Frontier Custom House on the Irrawaddy, or the Frontier Custom House on the Sitang, with a duty of Customs of ten *per centum ad valorem.* Spirituous Liquors, on passing either of the said Custom Houses, shall be charged Import Duty at the rate of one Rupee a gallon. Teak Timber, on passing either of the said Custom Houses, shall be charged Import Duty at such rate as shall be fixed from time to time by the Governor General of India in Council, in order to equalize the rate of duty charged on foreign Teak Timber so imported with the price that may be fixed from time to time for permission to appropriate and remove Teak Timber of the same description growing in the forests of Pegu, which are State property.

River Frontier Duty on Imports.

Special Duty on Spirits.

Special Duty on Teak.

VII. Teak Timber, floated down any river in the Martaban or Tenasserim Provinces, shall be charged with the same duty as that chargeable for the time being under Section VI. on Teak Timber passing a River Frontier Custom House and this duty shall be levied at such places on the said rivers as the Governor General of India in Council shall appoint.

Special Duty on Teak in Martaban and Tenasserim.

VIII. It shall be lawful for the Governor General of India in Council, in respect of the Pegu, Martaban, and Tenasserim Provinces, to promulgate such rules for the time and manner of the floating of Teak Timber within the said Provinces respectively, as may to him seem fit; and to prescribe what descriptions of Teak Timber may lawfully be floated, and what descriptions of Teak Timber may not lawfully be floated, within the said Provinces respectively. And all Teak Timber found floating contrary to such rules or orders shall be confiscated.

Rules for Teak floated.

IX. Goods of the descriptions specified in the Schedule annexed to this Act, exported beyond the northern frontier of Pegu, by the River Irrawaddy, or the River Sitang, shall be charged Export Duty on passing the Frontier Custom House on the Irrawaddy, or the Frontier Custom House on the Sitang, according to the rates fixed in the said Schedule; and the said Schedule shall be taken to be a part of this Act.

River Frontier Duty on Exports

X. The

Valuation of Goods chargeable *ad valorem.*

X. The Governor General of India in Council shall have power to fix from time to time the valuation at which any article liable to *ad valorem* duty on passing a River Frontier Custom House shall be valued in order to the assessment of duty: and in respect of goods passing such a Custom House, which are not so valued, in case of dispute respecting their value, the Collector of Customs of the station shall have power to call on the possessor of the goods to assign the value thereof; and thereupon the Collector of Customs shall have power, if he pleases, to purchase such goods on account of Government, at the value so assigned, paying for such goods forthwith, after deducting the duty due upon them according to the value so assigned.

Special Rule for Arms, Ammunition and Sulphur.

XI. Arms, Ammunition, or Sulphur shall not be imported by Sea into the Arracan, Pegu, Martaban, or Tenasserim Provinces, nor exported by land or by river into any Foreign Territory, from any of those Provinces, without a license from a Collector of Customs, or other Officer having charge of the collection of Customs; and such articles, if an attempt be made so to import or export them, shall be confiscated.

Commencement of Act.

XII. This Act shall commence and take effect from and after the first day of January 1855.

SCHEDULE

REFERRED TO IN SECTION IX. OF THIS ACT.

Enumeration of Goods.	*Rate of Export Duty.*
Rice.....	An anna a basket.
Paddy.....	Half an anna a basket,
Salt.....	Four annas a maund.
Betel-Nut.....	Ten *per centum ad valorem.*
Nyapee; dried, smoked, salted, and preserved fish, and fish-roes,.....	Ten *per centum ad valorem.*

BENGAL SECRETARIAT LIBRARY

ACT No. XXXI OF 1854.

PASSED BY THE LEGISLATIVE COUNCIL OF INDIA.

(Received the assent of the Governor General on the 16th of December 1854.)

AN ACT *to abolish real actions and also fines and common recoveries, and to simplify the modes of conveying land in cases to which the English Law is applicable.*

Preamble.

WHEREAS it is expedient, in cases to which the English law applies, to abolish real actions and also fines and common recoveries, and to simplify the modes of conveying land, and to exempt the purchasers of trust property from the liability to see to the application of the purchase money, it is enacted as follows :—

Real actions, &c. abolished.

I. All real actions, fines and common recoveries, except such as may be in progress when this Act comes into operation, are abolished.

Tenant in tail may dispose of or enlarge his estate by simple deed, &c.

II. Every tenant in tail or other owner of an estate of inheritance less than an estate in fee simple, either at law or in equity, in any lands or hereditaments, not being under any disability, shall have power to dispose of such lands and hereditaments against the issue in tail, and all persons whose estates are to take effect after the determination or in defeazance of his own, or to enlarge his said estate into an estate in fee simple, by any deed declaring an intention so to dispose of the said lands or hereditaments, or to enlarge his estate therein ; and every tenant in tail or other owner of an estate of inheritance less than an estate in fee simple, who shall be under the disability of coverture, shall have power to dispose of or enlarge her said estate in manner aforesaid, by any deed declaring her intention so to do, and acknowledged by her as hereinafter mentioned. Provided that every disposition under this Section shall be subject to the rights of all persons in respect of estates prior to the estate tail or other estate of inheritance which is the subject of such disposition,

tion, and the rights of all other persons, except those against whom such disposition is by this Act authorized to be made.

A married woman, with her husband's concurrence, empowered to dispose of her estate by deed acknowledged, &c.

III. Every married woman who, either alone, or jointly with her husband, is possessed of, or entitled to any estate or interest in, or any power to be exercised over any lands or hereditaments, which, but for the passing of this Act, she might have disposed of or extinguished by levying a fine, or suffering a recovery, or by joining in either of such assurances, shall have power by deed, to be acknowledged by her as hereinafter mentioned, to dispose of, release, surrender, or extinguish any such estate, interest, or power, as fully and effectually as if she were an unmarried woman.

Provision to apply to money subject to be invested in lands.

IV. The provisions of the last two preceding Sections shall, so far as circumstances will admit, apply to money subject to be invested in lands or other hereditaments.

Execution of Deeds by married women.

V. No deed to be executed by a married woman under the provisions hereinbefore contained shall, so far as regards the interest of such married woman, be valid or effectual, unless her husband concur therein, nor unless the deed be acknowledged in manner hereinafter prescribed before a Judge of one of Her Majesty's Supreme Courts, or before a Judge or other covenanted officer of the East India Company exercising civil jurisdiction in the place wherein such deed shall be acknowledged, or before some Commissioner appointed either specially for the occasion, or appointed as a permanent Commissioner by one of Her Majesty's said Courts to take such acknowledgments.

If husband be lunatic, &c., Court may direct acknowledgment by deed without his concurrence, saving right of the husband, &c.

VI. If the husband of any married woman, desirous of enlarging, passing, or destroying any estate, interest, or power, by a deed to be acknowledged by her under this Act, shall be a lunatic, idiot, or of unsound mind, whether he shall have been found such by inquisition or not, or from any other cause shall be incapable of executing a deed, or if his residence shall not be known, or if he shall be in prison, or living apart from his wife either by mutual consent or by sentence of divorce, or in consequence of his being transported beyond the seas, or from any other cause whatever, it shall be lawful for any of Her Majesty's said Courts, by an order to be made in a summary way upon the application of such married woman, and upon

upon such evidence as to the Court shall seem meet, to dispense with the concurrence of her husband in the deed so to be acknowledged; and any deed to be executed or acknowledged by her in pursuance of such order shall (but without prejudice to the rights of her husband as then existing, independently of this Act,) be as valid and effectual as if he had concurred therein.

Supreme Courts may appoint, for the purpose of taking such acknowledgment, permanent or special Commissioners.

VII. It shall be lawful for any of Her Majesty's said Courts to appoint, by its order, under the seal of the Court, to be published in the *Government Gazette* or otherwise as the Court shall direct, permanent Commissoners, either by name or office, and to appoint from time to time, under special Commissions, Special Commissioners, any one of whom shall be authorized and empowered, unless the Act is directed to be done before more than one, to take the acknowledgment of any deed by any married woman, who, by reason of her place of residence, or ill-health, or other sufficient cause, shall be unable to make such acknowledgment before one of the Judges or other Officers described in the preceding Section.

Such married woman to be examined apart before Judge, &c., taking her acknowledgment.

VIII. Every such Judge, Officer, or Commissioner as aforesaid, before he shall receive the acknowledgment by any married woman of any deed to be acknowledged by her under this Act, shall examine her apart from her husband, touching her knowledge of such deed, and shall ascertain whether she understands its object, and freely and voluntarily consents to the same, and unless she appears to understand its object, and freely and voluntarily to consent to such deed, he shall not permit her to acknowledge the same, and in such case, such deed, so far as relates to the execution thereof by such married woman, shall be void.

Judge, &c., shall sign a Memorandum of acknowledgment—form of it.

IX. Every Judge, Officer, or Commissioner taking such acknowledgment under this Act, shall, at the time of taking the same, sign a memorandum to be endorsed on or written at the foot, or in the margin of such deed, which memorandum shall be to the following effect namely, "this deed marked ( ) was this day produced before me and acknowledged by therein named, to be her act and deed, previous to which acknowledgment the said was examined by me separately and apart from her husband, touching her knowledge of the contents of the said deed, and her consent thereto, and appeared to understand the same, and declared the same to be freely and voluntarily executed by her."

X. Every

X. Every deed executed by a married woman and hereby required to be acknowledged, shall, so far as regards the interest of such married woman, take effect only from the time of the acknowledgment thereof.

Deed of married woman to take effect from time of acknowledgment.

XI. It shall not be necessary for any person producing a deed so acknowledged in any Court of Justice, to prove the hand-writing or authority of the Judge or other Officer, or the Commissioner taking such acknowledgment, but if such memorandum purports to have been in substance regularly made and signed, the deed shall be presumed to have been duly acknowledged by the party, until the contrary is shown.

Deed when presumed to have been duly acknowledged.

XII. Nothing in this Act contained shall abridge, extend, or affect the powers of alienation or disposition, which any married woman might have exercised over any property or rights, otherwise than by levying a fine or suffering a recovery, or by joining in one of such assurances before the passing of this Act.

Nothing in this Act to abridge the powers of alienation which a married woman possessed before.

XIII. In any deed or will executed after this Act comes into operation, and disposing of immoveable property situate in the territories in the possession and under the Government of the East India Company, wherein contingent estates are limited without the appointment of any trustees to preserve such contingent estates, the same shall be, to all intents and purposes, as effectually protected by the law, as if such trustees had been duly appointed.

Contingent estates in deeds or wills, without trustees to preserve, to be protected by the law from destruction.

XIV. Any estate or interest in immoveable property, situate within the said territories, whether in possession, remainder, or reversion, may, in addition to any other mode of conveyance or release which is now valid, be conveyed, passed, or released by a simple deed, whether such deed operate under the Statute of Uses or not.

Estate may be conveyed, &c., by deed, though not operating under the Statute of Uses.

XV. No conveyance of any kind shall operate to destroy, impair, or affect any estate or interest which the conveying party has no right to destroy, impair, or affect, or beyond the extent to which he may impair or affect the same.

No conveyance to operate tortiously.

XVI. It

XVI. It shall not be necessary in any deed relating to immoveable property situate within the said territories, to be executed after the passing of this Act, to add words of limitation to heirs, when the intention is to give the absolute interest to a person and his heirs general; but a gift, grant, or other conveyance of immoveable property to, or in favor of any person, shall be taken to give him the entire and absolute interest in the nature of an estate in fee simple, unless such construction is rendered inadmissible by the other contents of the deed; and when in any deed or will executed after the passing of this Act any property is given to a person for life or for other freehold interest, and afterwards in the same deed, or will, is limited to his heirs or heir special, the estates shall not unite, but the limitation to the heirs shall be a limitation of an estate to be taken by the heirs by purchase.

Words of limitation not necessary in a deed, to give estate by inheritance.

Estate limited to heirs shall not unite with a prior life estate.

XVII. When any property is sold, the proceeds of which are subject to any trust, the *bonâ-fide* purchaser of the property shall not in any case be bound to see to the application of the purchase-money to the purposes of the trust.

Bonâ-fide purchaser not required to see to application of trust-money in any case.

XVIII. Nothing in this Act contained shall extend to any case to which the English Law is not applicable.

Act to apply only to cases governed by English Law.

XIX. The term "Her Majesty's Supreme Courts" shall include the Court of Judicature of Prince of Wales' Island Singapore, and Malacca.

Interpretation.

ACT No. XXXII. OF 1854.

PASSED BY THE LEGISLATIVE COUNCIL OF INDIA.

(Received the assent of the Governor General on the 16th of December 1854.)

AN ACT *to facilitate inquiries respecting the alleged use of Torture in the Presidency of Fort St. George.*

Preamble.

WHEREAS the Governor of Fort St. George in Council has nominated and appointed Edward Francis Elliot, Esquire, Chief Magistrate and Superintendent of Police of Madras, Hudleston Stokes, Esquire, Acting Collector of Madras, and John Bruce Norton, Esquire, Barrister-at-Law, Commissioners to make certain inquiries and investigations relating to the alleged use of torture in that Presidency; and whereas it is expedient that the said Commissioners and all other Officers who have been, or shall be authorized or required to make such inquiries, should be vested with certain legal powers: It is enacted as follows:—

Commissioners empowered to summon witnesses, &c.

I. It shall be lawful for the Commissioners aforesaid, by a summons under their hands, or under the hand of either of them, to require the attendance before them, at a time and place to be mentioned in such summons, of any person or persons whomsoever residing or being within the local limits of the jurisdiction of the Supreme Court of Judicature at Fort St. George, whose evidence shall, in the judgment of the Commissioners aforesaid, be material to any inquiry relating to the use of torture in the said Presidency, which the said Commissioners have been, or may be directed by the said Governor in Council to make, and to require the person or persons so summoned to bring and produce before them all such books, papers, deeds, and writings, as to them, the said Commissioners, shall appear necessary for arriving at the truth of the matters directed to be inquired into by the said Commissioners, all which persons shall accordingly attend the said Commissioners, and shall produce such books, papers, deeds, and writings as shall be required of them, and shall be in their custody and control, or in the custody and control of any one of them, according to the tenor of the summons.

II. It

Witnesses refusing to attend or answer.

II. If any person, upon whom any such summons shall be served, by the delivery thereof to him, or by the leaving thereof at his usual place of abode, shall, without reasonable cause (to be allowed by the Commissioners aforesaid,) fail to appear before them at the time and place mentioned in the summons, or shall refuse to be sworn or to make affirmation (as the case may be,) or shall not make answer to such questions as shall be put to him touching the matters directed, or which may hereafter be directed, to be inquired into by the said Commissioners, or shall refuse or fail, without reasonable cause (to be allowed by the said Commissioners,) to produce and show to the said Commissioners any such paper, book, deed, or writing, being in his possession or under his control, as to the said Commissioners shall appear necessary for arriving at the truth of the matters directed to be inquired into, the said Commissioners shall have the same powers in all respects touching any such person so failing to appear, or refusing to be sworn, or to make affirmation, or not answering such questions as shall be put to him, or refusing to produce and show any such book, paper, deed, or writing, as aforesaid, as the said Supreme Court of Judicature may by law exercise against any person for making default of appearance, or for refusing to be sworn, or to give evidence on any issue joined in any action depending in such Court.

Powers of Judge, Collector, Magistrate, or other Officer authorized to make inquiry.

III. Every Judge, Collector, Magistrate, or other Officer, who shall be authorized or required by the said Governor in Council to make any inquiry relative to the use of torture in any part of the said Presidency, and to compel the attendance of witnesses upon such inquiry, shall have and exercise all or any of the powers conferred by Section VIII. of Act No. XXXVII. of 1850, upon Commissioners appointed under that Act; and all the provisions of that Section and of Section IX. of the same Act shall be applicable for the protection of every Officer appointed to make any such inquiry as aforesaid; and also for the purpose of compelling the attendance of witnesses, and the production of documents upon such inquiry; and for the punishment of persons disobeying any lawful process issued for the purpose of compelling such attendance or production of documents.

Examination of witnesses beyond jurisdiction.

IV. If the said Commissioners require the evidence of any person residing or being beyond the local limits of the jurisdiction of the Supreme Court of Judicature at Fort St. George,

George, or if any such Judge, Collector, Magistrate, or other Officer who hath been or shall be authorized to make any inquiry relating to the use of torture, shall require the evidence of any person residing or being beyond the limits of the ordinary jurisdiction of such Judge, Collector, Magistrate, or other Officer, it shall be lawful for the person or persons requiring such evidence, by a letter to be signed by him or them, to request any Judge, Collector, Magistrate, or other Officer having by law power to examine witnesses upon oath, to examine such witness upon interrogatories to be sent with the letter, or according to instructions to be sent therewith as to the point or points upon which the evidence of the witness is required; and the Judge, Collector, Magistrate, or other Officer to whom such letter shall be directed, shall examine the witness, or cause him to be examined upon oath or affirmation accordingly.

Power to compel attendance, &c., of such witnesses.

V. Every Judge, Collector, Magistrate, or other Officer to whom such letter of request shall be sent, shall have the same powers for compelling the attendance of the witness, for examining or causing him to be examined upon oath or affirmation, and for punishing him for any contempt, or for refusing to attend or give evidence, as if the evidence of such witness were required in any matter within the ordinary jurisdiction of such Judge, Collector, Magistrate, or other Officer.

Expenses of witnesses.

VI. Every witness, who shall be required to attend or give evidence under the provisions of this Act, shall be entitled to a reasonable sum for his expenses of travelling to and from, and remaining at the place at which he is required to attend.

Witnesses not to be excused from answering.

VII. No person shall be excused from answering any question put to him by the said Commissioners, or any of them, or by any such Judge, Collector, Magistrate, or other Officer as aforesaid, upon the ground of any privilege, nor on the ground that the answer to such question will tend to criminate such person; but no statement made by any person in answer to any such question shall, except for the purpose of punishing such person for wilfully giving false evidence upon such examination, be admissible in evidence in any proceeding, Civil or Criminal, and every person who, upon such examination, shall be compelled to give evidence which may tend to expose him to penal consequences, shall be freed from all penal actions, forfeitures,

Proviso.

tures, punishments, disabilities, and incapacities, and all criminal prosecutions, to which he may have been, or may become liable or subject within any part of the territories in the possession and under the Government of the East India Company, for any thing done by such person in respect of any acts relating to which he shall be examined, unless the Commissioners, or Commissioner, Judge, Collector, Magistrate, or other Officer who shall have examined such witness, shall certify in writing, under their or his hands or hand, that such witness is not entitled to the protection lastly hereinbefore given, on the ground that he has not made a full and true disclosure touching all matters to which he has been so examined.

Power to administer an oath, &c.

VIII. It shall be lawful for the said Commissioners, or one of them, or for any such Judge, Collector, Magistrate, or other Officer as aforesaid, to administer an oath, or in the case of persons allowed by law to make affirmation instead of taking an oath, an affirmation, in such form, as to them, the said Commissioners, shall seem fit, to all persons who shall be examined before them, touching the matters directed, or which may be directed, to be inquired into by them as aforesaid.

Penalty for false evidence.

IX. Every person who, upon examination, upon oath or affirmation, before the said Commissioners, or before any such Judge, Collector, Magistrate, or other Officer as aforesaid, shall wilfully give false evidence, shall be liable to the pains and penalties of perjury.

Limitation of actions.

X. No action shall be brought against the Commissioners aforesaid, or any other person or persons whomsoever, for any thing done in the execution of this Act, unless such action shall be brought within six Calendar months next after the doing of such thing.

Death or resignation of Commissioner.

XI. In case of the death or resignation of either of the said Commissioners, or in the event of either of them becoming incapable of acting, it shall be lawful for the other Commissioners; either alone or jointly with any other person who may be appointed to act in the room of the Commissioner so dying, resigning, or becoming incapable of acting, to exercise all the powers of this Act; and every part of this Act shall be deemed to apply to the substituted Commissioner.

ACT No. XXXIII. OF 1854.

PASSED BY THE LEGISLATIVE COUNCIL OF INDIA.

(Received the assent of the Governor General on the 23rd of December 1854.)

AN ACT *to extend the provisions of Act No. XII. of* 1843.

Preamble.

WHEREAS it is expedient that every decision, sentence, or final order, made or passed by any Officer of the East India Company acting judicially, together with the reasons for the same, should be written in the Vernacular language of the Officer by whom the same is made or passed, and should be signed by him at the time of pronouncing such decision, sentence, or order: It is enacted as follows:—

Decisions to be written in the Vernacular language of the Judge and to be signed by him and filed.

I. Every decision, sentence, or final order, which shall hereafter be made or passed by any Officer of the East India Company acting judicially, together with the reasons for making or passing the same, shall be written in the Vernacular language of such Officer, and shall be dated and signed by such Officer in Court at the time of his making or passing the same, and the original shall be filed with the record or proceedings in the case, and a translation thereof, where the original is recorded in a different language to that in ordinary use in proceedings before such Officer, shall be incorporated in the decree, or record of the decision, sentence, or order.

Translation when to be recorded.

Points to be established shall be written in the Vernacular language of the Judge and signed by him in Court.

II. Whenever, in any suit before any Officer of the East India Company acting judicially, the points to be established by the parties respectively, or on which proof is required by the Court, are directed by law to be recorded, the points shall be written in the Vernacular language of such Officer, and the writing shall be dated and signed by him in Court at the time of his announcing the points to the parties; and if the Vernacular language of such Officer be different from the language in ordinary use in proceedings before the Court, a translation shall be incorporated in the record.

Translation when to be recorded.

III. Nothing

Decisions not required to be written in open Court.

III. Nothing in this Act, or in Act No. XII. of 1843, shall be so construed as to require Officers of the East India Company acting judicially to write their decisions, sentences, injunctions, or orders, or to record the point or points to be established by the parties respectively, under the last preceding Section, in open Court.

No appeal for non-compliance with this Act or Act No. XII. of 1843.

IV. No appeal shall lie from any decision, sentence, injunction, or order, nor shall the same be reversed or remanded upon the ground of non-compliance with the provisions of this Act, or of Act No. XII. of 1843. But the Appellate Court may, by precept, require the Officer of the Lower Court to comply with the provisions of this Act or of Act No. XII. of 1843, and to certify his reasons for any such decision, sentence, or order to the Appellate Court; and any such Appellate Court may, if it deem it necessary for the ends of justice, postpone its final decision in the appeal until such precept shall have been returned.

Appellate Court by precept may require compliance.

Saving of provisions of Act No. XII. of 1843.

V. Nothing in this Act contained shall be deemed to repeal any of the provisions of Act No. XII. of 1843.

ACT No. XXXIV. OF 1854.

PASSED BY THE LEGISLATIVE COUNCIL OF INDIA.

(Received the assent of the Governor General on the 23rd of December 1854.)

AN ACT *for regulating the establishment and management of Electric Telegraphs in India.*

Preamble.

WHEREAS it is expedient that provision should be made for regulating the establishment and management of lines of Electric Telegraph in India, It is enacted as follows:—

The E. I. Company to have the exclusive privilege of establishing Electric Telegraphs.

Proviso.

I. Within the territories in the possession and under the Government of the East India Company, the said East India Company shall have the exclusive privilege of establishing lines of Electric Telegraph. Provided that the Governor General of India in Council may grant a license to any person or Company to establish a line of Electric Telegraph within any part of such territories, which license shall be revocable on the breach of any of the conditions therein contained.

Penalties for establishing or maintaining unauthorized Electric Telegraphs.

II. Whoever shall, otherwise than under a license duly granted as aforesaid, establish or after revocation of such license maintain a line of Electric Telegraph within the said territories, shall be liable to a fine not exceeding one thousand rupees, and for every week during which such line shall be maintained shall be liable to a further fine not exceeding five hundred rupees.

Penalty for using or working such Telegraphs.

III. Whoever shall use a line of Electric Telegraph, knowing or having reason to believe that it is an unlicensed line, for the purpose of sending or receiving messages, or shall perform any service incidental thereto, shall, for every such offence, be liable to a fine not exceeding fifty rupees.

IV. The

IV. The Governor General of India in Council may, on the occurrence of any public emergency, take temporary possession of any line of Electric Telegraph established under license within the said territories.

Government may take possession of Telegraphs established by license.

V. Any Railway Company, on being required so to do by the Governor General of India in Council, shall permit the Government to establish upon the land of such Company adjoining the line of Railway a line of Electric Telegraph, and shall give every reasonable facility for establishing and using the same.

Government may establish Telegraph on land of Railway Company.

VI. The Governor General of India in Council may from time to time frame rules for the conduct of Electric Telegraphs established by Government not inconsistent with this Act, and therein prescribe the regulations, conditions, and restrictions according to which all messages and signals shall be transmitted.

Governor General in Council to frame rules for the conduct of Government Telegraphs.

VII. The Government shall not be responsible for any loss or damage which may occur in consequence of any person employed by the Government in the Electric Telegraph Department failing to transmit with accuracy any message entrusted to him for transmission, and no such person shall be responsible for any such loss or damage, unless he shall cause the same negligently, maliciously, or fraudulently.

Government not responsible for loss or damage.

VIII. Whoever shall without permission enter into a Government Telegraph Office, or shall refuse to quit the same on being requested to do so by any officer or servant employed therein, or shall wilfully obstruct or impede any such officer or servant in the performance of his duty, shall be liable to a fine not exceeding one hundred rupees.

No person to intrude into a Telegraph Office.

IX. Whoever shall wilfully cause or attempt to cause any interruption to the transmission of signals along a line of Electric Telegraph established by the Government, by cutting or injuring the wire, or by injuring any portion of the line, or any instrument or apparatus, or by any other means, shall be liable to be imprisoned, with or without hard labor, for a term not exceeding two years, or to fine, or to both.

Penalties for cutting the line.

X. Whoever

Injuring posts, &c.

X. Whoever shall wilfully or negligently damage or injure any post or any portion of the line of such Electric Telegraph, shall be liable to a fine not exceeding fifty rupees.

Penalties for fraudulently omitting to transmit messages or for disclosing secret messages.

XI. Whoever, being in the employ of the Government in the Electric Telegraph Department, shall fraudulently or maliciously secrete, make away with, alter, or omit to transmit any message which he may have received for transmission, or shall fraudulently or maliciously disclose any message so received by him and directed to be kept secret, shall be liable to be imprisoned, with or without hard labor, for a term not exceeding two years, or to fine, or to both.

Penalty for misconduct.

XII. Whoever being in such employ shall be guilty of any act of drunkenness, carelessness, or other misconduct, whereby the transmission or delivery of any message shall be endangered, or who shall loiter or make delay in the transmission or delivery of any message, shall be liable to a fine not exceeding one hundred rupees.

Penalties for sending messages without payment to Government.

XIII. Whoever being in such employ shall transmit by the Electric Telegraph any message upon which the prescribed charge has not been paid, intending thereby to defraud the Government, shall be liable to be imprisoned, with or without hard labor, for a term not exceeding two years, or to fine, or to both.

Penalties for transmission of fabricated messages.

XIV. Whoever shall fraudulently or maliciously transmit or cause to be transmitted by an Electric Telegraph established by Government a message which he knows to be false or fabricated, shall be liable to be imprisoned, with or without hard labor, for a term not exceeding two years, or to fine, or both.

Persons other than European British subjects liable to be punished.

XV. Any person not being a European British subject, who shall, beyond the local limits of the jurisdiction of Her Majesty's Supreme Court of Judicature, commit any of the offences mentioned in Sections IX. XI. XIII. and XIV. of this Act, shall be punishable, upon conviction by any Magistrate within whose jurisdiction the offence shall be committed.

XVI. Any

Fines how to be recovered.

XVI. Any person, whether a European British subject or not, who shall be guilty of any offence, for which, according to the provisions of this Act, he shall be liable to a fine only, shall be punishable for such offence by any Justice of the Peace for any of the Presidency Towns of Calcutta, Madras, and Bombay, or for any of the Settlements of Prince of Wales' Island, Singapore, and Malacca, Magistrate, Joint Magistrate or person lawfully exercising the powers of Magistrate, within whose jurisdiction the offence shall be committed; and any person hereby made punishable by a Justice of the Peace shall be punishable upon summary conviction.

Conviction to be quashed on merits only. Form of conviction, &c.

XVII. No conviction, order, or judgment of any Justice of the Peace shall be quashed for error of form or procedure, but only on the merits; and it shall not be necessary to state on the face of the conviction, order, or judgment, the evidence on which it proceeds; but the depositions taken, or a copy of them, shall be returned with the conviction, order, or judgment, in obedience to any writ of *certiorari*; and if no jurisdiction appears on the face of the conviction, order, or judgment, but the depositions taken supply that defect, the conviction, order, or judgment, shall be aided by what so appears in such depositions.

Magistrate may refer charge to his Assistants.

XVIII. A Magistrate may refer for trial and decision any charge of an offence hereby made punishable by fine only, to any of his Assistants or to any Deputy Magistrate lawfully appointed to exercise the powers of a Covenanted Assistant, and in such case, every such Assistant or Deputy Magistrate may exercise all the powers vested in a Magistrate, subject to all the rules applicable to criminal cases deputed to such Assistants or Magistrates acting judicially.

Government may authorize Assistant and Deputy Magistrates to exercise certain powers.

XIX. The local Government may give general authority to any such Assistant or Deputy Magistrate to exercise, without reference by a Magistrate, any of the powers which they are hereby rendered competent to exercise upon reference by a Magistrate, subject to appeal to the Magistrate from any conviction by such Assistant or Deputy Magistrate, within one month from the date of the conviction. Provided that a Magistrate may at any time call from any of his Assistants, or from any Deputy Magistrate subordinate to him, any case pending before such Assistant or Deputy Magistrate.

XX. All

XX. All fines imposed under the authority of this Act, for offences punishable by fine only, by any Justice of the Peace, Magistrate, Joint Magistrate, or person lawfully exercising the powers of a Magistrate, or by any Assistant to a Magistrate or Deputy Magistrate, may, in case of non-payment thereof, be levied by distress and sale of the goods and chattels of the offender, by warrant under the hand of any of the above-named Officers, and in case any such fine shall not be forthwith paid, any such Officer may order the offender to be apprehended and detained in safe custody until the return can be conveniently made to such warrant of distress, unless such party shall give security to the satisfaction of such Officer for his appearance at such place and time as shall be appointed for the return of the warrant of distress, and such Officer may take such security by way of recognizance or otherwise; and if, upon the return of such warrant, it shall appear that no sufficient distress can be had whereon to levy such fine, and the same shall not be forthwith paid, or in case it shall appear to the satisfaction of such Officer, by the confession of the party or otherwise, that he has not sufficient goods and chattels whereupon such fine or sum of money could be levied if a warrant of distress were issued, any such Officer, by warrant under his hand, may commit the offender to prison, there to be imprisoned only, or to be imprisoned and kept to hard labor, according to the discretion of such Officer, for any term not exceeding two calendar months where the amount of the fine shall not exceed fifty rupees, and for any term not exceeding four calendar months where the amount shall not exceed one hundred rupees, and for any term not exceeding six calendar months in any other case; the commitment to be determinable in each of the cases aforesaid on payment of the amount.

Fines how levied.

Imprisonment if no sufficient distress, &c.

XXI. If any Servant of the East India Company, employed in the Electric Telegraph Department, within the dominions of any Foreign Prince or State in alliance with the said Company, in which an Electric Telegraph is established by the said Company, shall, within the dominions of such Prince or State, commit any act hereby prohibited, or omit to do any act hereby required to be done by any person similarly employed within the territories under the Government of the said Company, such Servant of the said Company shall be guilty of an offence, and on conviction thereof, shall be

Authority to punish Servants of the East India Company who commit offences against this Act in Foreign territory.

be punished in the same manner as if such act had been done or omitted within the said last mentioned territories; and every such person may be tried, convicted, and punished either by fine or otherwise, according to the nature of the offence, by any Court or Officer duly empowered by the Governor General of India in Council to take cognizance of offences committed in such dominions by Servants of the East India Company, or by any Court or Magistrate or other competent Officer in any part of the territories within the Government of the East India Company, in the same manner as if the offence had been committed in such part of the said territories.

Explanation of terms.

XXII. The word "Magistrate" in this Act shall include Joint Magistrates and persons lawfully exercising the powers of Magistrates, and the word "Fine" shall include a penalty or forfeiture.

Government to frame rules for Telegraphs established by license.

XXIII. It shall be lawful for the Governor General in Council to frame rules for the conduct of any Electric Telegraph established by license under this Act, and to declare from time to time what portions of this Act shall be applicable to such Telegraph and to persons using the same or employed in connexion therewith.

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FOR 1854.

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———, liability of guardians after removal continued. Powers and responsibilities of new guardians, - - - - - - -	"	VI.	
———, the right to the custody of the persons of male—vested in guardians duly-appointed, or failing them in Collectors, - -	"	VII.	
———, appeals from the orders of Collectors allowed, - - -	"	VIII.	
MOPLAS. Governor in Council of Madras empowered to proclaim the whole or any part of Malabar as under the provisions of this Act, - - - - - - - - - - - - - -	XXIII.	I.	
———, the property of—and others convicted of outrages, or of resistance of lawful authority to be forfeited in addition to other penalties; as also the property of persons killed in committing outrages, - - - - - - - - - - - - -	"	II.	
———, the bodies of offending—sentenced to death or killed, may be burned or buried within the precincts of the jail, - -	"	III.	
———. Powers of Governor in Council, as to the confinement or trial of persons under this Act, - - - - - - - -	"	IV.	
———. Magistrates how to act in respect to persons against whom he thinks there are grounds of proceeding, - - - - -	"	V.	
———. Penalty for remaining or returning within forbidden limits,		VI.	
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———, fines, &c., how to be levied. Magistrates exempted from civil action, - - - - - - - - - - - - -	"	VIII.	
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————. How criminal process is to be executed, - -	"	III.	
————. Certificate of execution of process to be admitted as *primâ facie* true, - - - - - - - - - -	"	IV.	
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————. Exclusive privilege of carrying letters vested in the East India Company, excepting in following cases, - - -	"	II.	
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————. Letters solely concerning the affairs of the sender or receiver sent by special messenger, - - - - - -	"	"	2
————. Letters solely concerning goods, &c., to be delivered with such goods, without hire—prohibition against collecting such excepted letters, - - - - - - - - - -	"	"	3
————. Common carriers, owners and commanders of ships and steamers prohibited collecting and carrying letters, except those concerning goods in their charge, - - - - - -	"	III.	
————. Penalties for conveying and collecting lettters not excepted from the exclusive privilege, - - - - - -	"	IV.	
————. Government to appoint officers for the, - - -	"	V.	
————. Rates of postage chargeable on letters,- - - -	"	VI.	
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————. Conditions on which newspapers, &c. are to be sent by letter post, - - - - - - - - - - -	"	VIII.	
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————. Proof-sheets may be sent by letter post at rates of newspaper, - - - - - - - - - - - -	"	X.	
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————. Penalty for sending by the banghy post, letters, &c. of less weight than twelve tolahs, where the banghy and letter post are conveyed in the same carriage, - - - - - -	"	XVI.	
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———. Governor General in Council empowered to direct pre-payment of postage in all cases, or double postage when not pre-paid, - - - - - - - - - - - -	"	XXI.	
———. Letters, &c., with insufficient stamps, how to be charged, - - - - - - - - - - - -	"	XXII.	
———. Rates of postage on re-directed letters, &c., - - -	"	XXIII.	
———. Penalty for sending explosive or other dangerous substance, - - - - - - - - - - - - -	"	XXIV.	
———. Governor General in Council empowered to alter rates of postage, - - - - - - - - - - - -	"	XXV.	
———. Letters, &c., once put into the—not to be recalled, but newspapers, &c., may be recalled, - - - - - - -	"	XXVI.	
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———. Letters, &c., having stamps affixed shall be considered as pre-paid, - - - - - - - - - - - -	"	XXVIII.	
———. How postage stamps are to be provided, - - -	"	XXIX.	
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———. Governor General in Council empowered to make rules for the appointment and government of vendors of stamps, -	"	XXXI.	
———. Penalty for vendors of stamps for breach of rules, - -	"	XXXII.	
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———. Forged die or stamps may be seized, - - - - -	"	"	2
———. And suspected houses may be searched for the same,	"	"	3
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————. Moneys and valuables found in such letters, &c., how to be disposed of, - - - - - - - - - -	"	"	3
————. Rejected letters, &c., and their contents, how to be disposed of, - - - - - - - - - - -	"	XLV.	
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————. Penalty for detaining mails, - - - - - -	"	LI.	
————. Penalty for retaining letters, &c., or a post letter bag,	"	LII.	
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————. Penalty for fraudulently putting a wrong mark, altering marks on letters, &c., and putting used stamps, by persons employed in the— - - - - - - - - -	"	LV.	
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———. Penalty for passengers getting into, or quitting any carriage while in motion, or riding on parts other than those intended for passengers, - - - - - - - - - -	"	IV.	
———. Penalty for riding upon locomotive engine or tender, &c., without licence, - - - - - - - - - - -	"	V.	
———. Penalty for smoking either on the Company's premises, or in carriages, - - - - - - - - - - - -	"	VI.	
———. Penalty for being in a state of intoxication or committing any nuisance or act of indecency in carriage or premises, or for interfering with the comfort of any passenger, - - -	"	VII.	
———. Penalty for male persons entering any carriage, room, or apartment appropriated for the use of females, - - -	"	VIII.	
———. The Company not answerable for luggage, unless booked and separately paid for, - - - - - - - - -	"	IX.	
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———. Penalty for failing to erect proper gates when the—crosses a public road, - - - - - - - - - - -	,,	XIX.	
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SALTPETRE, the export of—from India, to any European Port North of Dunkirk, prohibited, - - - - - - - - - -	XXIX.	I.	
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——————. Plaintiff may file interrogatories, but defendant not required to answer a bill without interrogatories so filed, - - - - - - - - - - - - - -	"	II.	
——————. Defendant may answer, plead, or demur within a certain time, but beyond that time Court's leave necessary, and if such further time is granted, the plaintiff's right to move for decree shall be suspended, - - - - - - - - -	"	III.	
——————. Defendants may not only answer the interrogatories filed, but may state their case, and the answer is to be divided into distinct paragraphs, - - - - - - - -	"	IV.	
——————. After time for answering has expired, plaintiff may, before replication, move the Court for a decree, and the plaintiff and defendant may file affidavits in support of, or in opposition to such motion; and if an answer have been filed, it shall be treated as an affidavit, - - - - - - - -	"	V.	
——————. The Court may make such order as the case may require, - - - - - - - - - - - - - -	"	VI.	
——————. Exceptions to bills for scandal and impertinence abolished, but Court may order such matters to be expunged with costs, - - - - - - - - - - - - -	"	VII	
—————— empowered to compel the production of documents in the possession of defendants, - - - - - -	"	VIII.	
——————. Defendant may file interrogatories for the examination of plaintiff: exceptions for insufficiency or for scandal: defendant may, with leave of Court, file a cross bill of discovery instead of interrogatories, - - - - - - -	"	IX.	
—————— empowered to compel the production of documents in the possession of plaintiffs, - - - - - -	"	X	
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——————. A creditor, &c., of a deceased Hindoo, Mahomedan or Parsee, may in a summary way obtain an order for the administration of his immoveable estate, - - - - - - -	"	XXVI.	
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——————. If exceptions to such report be admitted, the Court may determine the matter without further reference, -	"	XLI.	
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———————. empowered to appoint Commissioners to take acknowledgement, - - - - - - - - - -	"	VII.	
———————. Such married women to be examined apart from her husband touching her knowledge of such deed, - - -	"	VIII.	
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